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LAWS OF PENNSYLVANIA
RELATING TO
PUBLIC HEALTH



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CHARLES H. MINER, M. D.,
Secretary of Health.
1926

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LAWS OF PENNSYLVANIA
RELATING TO
PUBLIC HEALTH



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Note:—Laws relating to Health Departments in cities of the first and second class are too numerous to be included in this publication.

I. ADVERTISEMENTS.

1. *Advertisements of nostrums and medicines for the cure of venereal diseases, etc., forbidden.* It shall not be lawful to print or publish advertisements of medicines, drugs, nostrums, or apparatus for the cure of secret or venereal diseases, or for the cure of those diseases peculiarly appertaining to females; and if any person shall print or publish, or procure to be printed or published, in any newspaper in this State, any advertisement of medicines, drugs or nostrums, or apparatus for the cure of secret or venereal diseases, or for the cure of those diseases peculiarly appertaining to females, or shall, by printing or writing, or in any other way publish an account or description of such medicines, drugs, nostrums or apparatus, or shall procure the same to be published or written, or in any other way published, or shall circulate or distribute any such newspaper advertisement, writing or publication, every such person so offending shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined in any sum not exceeding one thousand dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court. Sec. 1, Act of March 16, 1870; P. L. 39.

2. *Distribution of trial samples of medicines, dyes, etc., to children prohibited.* It is hereby made unlawful for any person or persons to distribute any free or trial samples of any medicines, dyeing, ink, coloring or polishing compounds, or any of them, in any form of preparation, upon the ground, sidewalks, porches, into yards, or into or under doors or windows, or in any way or manner, that children may get possession of or secure the same. Sec. 1, Act of May 2, 1901, P. L. 111.

3. *Violation of act a misdemeanor—Penalty.* Any person or persons found guilty of a violation of any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and shall upon conviction thereof before any alderman or justice of the peace be fined in a sum not exceeding twenty dollars—said fine for the use of the county in which the conviction is had—or not more than twenty days' imprisonment in the county jail, at the discretion of the officer before whom such person or persons may be convicted. Sec. 2, Act of May 2, 1901, P. L. 111.

4. *Distribution of samples—by throwing in yards, etc.* Be it enacted, &c., That on and after the passage of this act, it shall not be lawful for any person to deposit, cast, throw, or place any package, parcel, or sample of any medicine or candy in or upon any house, building, porch, veranda, portico, or any other part of any house or building, or in or upon any lawn, yard, land, street, or public highway, within this Commonwealth. Sec. 1, Act of May 8, 1907, P. L. 181.

5. *Penalty.* Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one hundred dollars, and undergo imprisonment not exceeding one year, or both, or either, at the discretion of the court. Sec. 2, Act of May 8, 1907, P. L. 181.

6. *Advertisement of Treatment for Diseases of Generative Organs.* Be it enacted, &c., That it shall be unlawful for any person, copartnership, association, or corporation to advertise, in any manner whatsoever, representing such person, copartnership, association, or corporation as being engaged in the business or profession of treating diseases of the generative organs of either sex; and it shall be unlawful for any person, copartnership, association, or corporation operating a printing establishment to insert such advertisement in any publication issued by such printing establishment. Act of July 21, 1919, P. L. 1084.

7. *Penalty.* Any individual, or the members or agents of any copartnership, association, or the officers or directors or agents of any corporation, violating the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding one thousand dollars, and to imprisonment for a period not exceeding one year. Act of July 21, 1919, P. L. 1084.

8. *Advertisement of Cures for Venereal Diseases and Sexual Disorders.* Be it enacted, &c., That it shall be unlawful for any person to publish, or cause to be published, to deliver or distribute, or cause to be delivered or distributed, in any manner whatsoever, or to post or display, or to permit to be posted, displayed, or to remain on any buildings, windows, or outhouses, or premises, or other surface, owned or controlled by him, in the State of Pennsylvania, or to have displayed in or on any window or place where the same could be read by passers-by or the public, any advertisement, label, statement, print, or writing, which refers to any person or persons from whom, or by any means which, or to any office or place at which, may be obtained any treatment or cure for syphilis, gonorrhea, chancroid, lost manhood, sexual weakness, lost vitality, impotency, seminal emissions, gleet, varicocele, or self-abuse, whether described by such names, words, terms, or phrases, or by any other names, words, terms, or phrases, calculated or intended to convey to the reader the idea that any of said diseases, infirmities, disabilities, conditions, or habits are meant or referred to, or which refers to any medicine, article, device, or preparation that may be used for the treatment or cure of any of the diseases, infirmities, disabilities, conditions, or habits, mentioned in this act.

9. *"Person" Defined.* The word "person," as used herein, shall mean and include natural persons, copartnerships, corporations, and associations, and shall include persons of both sexes.

10. *Penalty.* Any individual, or members or agents of any copartnership, association, or the officers or directors or agents of any corporation, or any person herein referred to, violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not less than five hundred dollars or more than one thousand dollars, and to imprisonment for a period not exceeding one year. Act of April 21, 1921, P. L. 242.

11. *Advertising of Merchandise, &c.* Be it enacted, &c., That any person, firm, corporation, or association who, with intent to sell or in any wise dispose of merchandise, securities, service, or anything offered by such persons, firm, corporation, or association directly or indirectly to the public for sale, distribution, or investment, or with intent to increase the consumption thereof, or to induce the public in any matter to enter into any obligation relating thereto, or to acquire title thereto or any interest therein, makes, publishes, disseminates, or causes, directly or indirectly, the same to be made, published, disseminated, circulated, or placed before the public, in this State, in a newspaper or other publication in the form of a book, notice, handbill, poster, sign, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding merchandise, security, investment, service, or anything so offered to the public, which advertisement contains any assertion, representation, or statement of fact which is untrue, deceptive, or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue, deceptive, or misleading by the person, firm, corporation, or association making, publishing, disseminating, circulating, and placing before the public said advertisements, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined and punished as hereinafter provided: Provided, however, That the provisions of this act shall not apply to any owner, publisher, printer, agent, or employes of a newspaper or other publication, periodical, or circular, who, in good faith and without knowledge of the falsity or deceptive character thereof, publishes, causes to be published, or takes part in the publication of such advertisement.

12. *Deceptive Advertising.* It shall be deemed deceptive advertising, within the meaning of this act, for any person, firm, or corporation, engaged in the business of buying or selling new or second hand furs, wearing apparel, jewelry, furniture, pianos, phonographs, or other musical instruments, motor vehicles, stocks, or generally any form of property, real, personal, or mixed, or in the business of furnishing any kind of service or investment, to advertise, by "liner ads" or likewise, such articles, property, or service for sale, in any manner indicating that the sale is being made by a private party or householder not engaged in such business. And every such firm, corporation, or association, engaged in any such business, in advertising goods, property, or service for sale, either through "liner ads" or otherwise, shall affirmatively and unmistakably indicate and state that the seller is a business concern and not a private party.

13. *Duties of Newspapers and Publishers.* No owner or owners of any newspaper or publication of any kind or character, or employe thereof, shall hereafter accept any advertisement for its classified or other columns without, at the time, obtaining the name and address of the advertiser, and making a record of the same. Such record shall be retained for a period of two weeks, and shall be subject to the examination of any duly constituted law officer of this Commonwealth. No owner or owners of any newspaper or publication, or employe thereof, shall knowingly accept any advertisement from any person, firm, association, or corporation, en-

gaged in any of the businesses mentioned in section two of this act, if such advertisement does not affirmatively state that the merchandise, property, or service advertised belong to, and are the property of, the business concern from whom such advertisement is directly or indirectly received.

14. *Signs on and in business places.* Any person, firm, or corporation, engaged in any of the businesses mentioned in section two of this act, or in any other kind of business, whether conducting such business in a store, business block, residence, or other building, shall at all times keep a conspicuous sign posted on the outside of his establishment and another conspicuous sign in the salesroom, which sign shall clearly state the name of the association, corporation, or individual who actually owns said merchandise, property, or service which are being offered to the public and not the name of any other person: Provided, The exterior sign shall not be required where the seller has no control over the exterior of the premises where such business is conducted.

15. *Penalty.* Any person, firm, corporation, or association who fails to comply with any of the provisions of this act shall, upon conviction, be subject to a fine not exceeding five hundred (\$500) dollars for each offense, or to imprisonment for a term of not exceeding ninety (90) days, or both such fine and imprisonment, in the discretion of the court. Act May 5, 1921, P. L. 382.

II. ADVISORY HEALTH BOARD.

1. *To be appointed by the Governor.* The Advisory Health Board shall consist of the Secretary of Health and six members, a majority of whom shall be physicians, graduates of legally constituted medical colleges, and of at least ten years' experience in the practice of their profession, and one of whom shall be a civil engineer. The Secretary of Health shall be chairman of the board. They shall hold office for a term of four years.

2. *Quorum.* Three members of the board, together with the Secretary of Health shall constitute a quorum. Section 439, Act of June 7, 1923, P. L. 498.

3. *The Advisory Health Board shall have the power and its duty shall be:*

(a) To advise the Secretary of Health on such measures as he may bring before it;

(b) To make such reasonable rules and regulations, not contrary to law, as may be deemed by the Board necessary for the prevention of disease and for the protection of the lives and health of the people of the Commonwealth and for the proper performance of the work of the Department of Health; and such rules and regulations, when made by the Board, shall become the rules and regulations of the Department. Sec. 1811, Act of June 7, 1923, P. L. 498.

4. *Members shall Serve without Pay.* The members of the Advisory Health Board shall serve without pay but shall be entitled to receive their traveling and other necessary expenses, actually

incurred in the performance of their public duties, upon the requisition of the Secretary of Health. Section 216, Act of June 7, 1923, P. L. 498.

5. *Promulgation of Advisory Board Rules.* The rules and regulations of the Department of Health shall be promulgated by sending printed copies thereof to all local boards of health, school boards, or clerks of councils of cities and boroughs and by printing the same once in at least one daily newspaper of Philadelphia and Pittsburgh, and to print in circular form such rules and regulations and give copies thereof to any person requesting the same. Sec. 1802, Act of June 7, 1923, P. L. 498.

6. *Certified Copies.* All orders of the Secretary of Health and all orders and regulations of the Advisory Health Board shall be certified under the seal of the Department and certification of the adoption and promulgation of the orders and regulations of the Advisory Health Board shall be received in evidence in all courts of the Commonwealth. Sec. 5, Act of March 17, 1921, P. L. 37.

III. BIRTHS—(See Vital Statistics).

IV. **BOARDS OF HEALTH**—(Also see Bone Boiling; Boroughs; Cities of the Third Class; Secretary of Health; Garbage; Indigent Sick; Milk; Nuisances; Physicians; Quarantine).

General.

1. *Board of health to grant license.* It shall be lawful for the board of health of any locality to license any person or persons, other than an institution duly incorporated for such purpose, to establish and keep a lying-in hospital, ward or other private place for the reception, care and treatment of women in labor, upon written application filed with the said board, accompanied by the indorsement of six or more reputable persons, citizens of the county where such hospital may be situated, who shall certify to the respectability of the applicant, and that the hospital, hospital ward or other private place shall only be used for legitimate, moral and charitable purposes; and if, after due inquiry of such board of health, it is believed that the applicant is a proper person, and the premises are suitable and properly arranged for such purpose, the said board of health shall grant a license for the purpose above mentioned, upon the payment of a fee of five dollars. Such license shall continue in force for a period of two years, subject, however, to be revoked by the board of health granting the same, upon the violation of the rules and regulations enacted by the said board of health for the government of said hospitals, hospital wards or other private places. The proprietor of every such hospital, hospital ward or other private place kept for lying-in purposes, shall keep a record in a book for that purpose, containing the full name and address of each person admitted, the date of admission, the date of birth of every child, the date of its removal, and the place to which such child shall be removed. Such hospital, hospital ward or other private place, shall be subject to the visitation

or inspection at any time by the board of health granting the said license, or any special officer that may be appointed for that purpose by the court of common pleas, upon the petition of any society for the prevention of cruelty to children of the proper county. Sec. 1, Act of April 26, 1893, P. L. 24.

2. *Penalty for violation of act.* Whoever shall violate the provisions of section one of this act, by keeping a hospital, hospital ward or other private place for lying-in purposes for hire or reward, without license, shall be guilty of a misdemeanor, and for the first offense, upon conviction thereof shall be punished by a fine not exceeding two hundred dollars, and imprisonment of not more than one year, or either or both, at the discretion of the court. Sec. 1, Act of April 26, 1893, P. L. 24.

3. *Board of health may adopt rules regulating house drainage, cesspools, etc.* From and after the passage of this act, the boards of health in cities and boroughs of this Commonwealth shall be and they are hereby authorized and directed to adopt and promulgate suitable rules and regulations for the construction of house drainage and cesspools, and to provide for the registration of journeymen and master plumbers, and persons engaged in the plumbing business in cities and boroughs: Provided, That the provisions of this act shall not apply to boroughs having no system of water supply or system of sewage. Sec. 1, Act of June 24, 1895, P. L. 232.

Note.—This Section was declared unconstitutional and repealed by implication. See 22 Dist. R. 457. 32 Pa. Supra. Ct. 497.

4. *Penalty for refusal to comply with rules.* Any person who shall refuse or neglect to comply with the requirements of said rules and regulations when promulgated shall be guilty of a misdemeanor, and on conviction be sentenced to pay a fine of not more than one hundred (\$100) dollars, or undergo an imprisonment not exceeding one year, or both, in the discretion of the court: Provided, That the provisions of this act shall not be construed to repeal the provisions of an act, entitled "An act authorizing the board of health in cities of the first class to regulate house drainage, the registration of master plumbers and the construction of cesspools," approved the thirteenth day of June, Anno Domini, one thousand eight hundred and eighty-five. Sec. 2, Act of June 24, 1895, P. L. 232.

Note.—A Board of Health has power to impose a license fee on garbage collectors.

Meadville vs. Brady, 22 Pa., C. C. 163.

V. BOARDS OF HEALTH.

Boroughs and First-Class Townships.

1. *Appointment.* The board of health shall be composed of five members, at least one of whom shall be a reputable physician of not less than two years' experience in the practice of his profession. The members of the board of health shall be appointed by the president of the borough councils, or by the chairman of the board of commissioners of such township. At the first appointment, one member shall

be appointed to serve for one year, one for two years, one for three years, one for four years and one for five years; and thereafter one member shall, in like manner, be appointed each year, to serve for five years. The members of the board of health shall be residents of the municipality for which they are appointed, and shall serve without compensation: Provided, however, If any member of the board shall be elected to the office of secretary, he shall be entitled to receive a salary, fixed by the board, for that office. Sec. 2. Act of June 12, 1913. P. L. 471.

2. *Organization.* The members of the board shall severally take and subscribe to the oath prescribed for borough or township officers; and shall annually organize by electing a president from among the members of the board, a secretary who may or may not be a member of the board, and a health officer who shall not be a member of the board. The secretary and the health officer shall receive such salary as may be fixed by the board, and ratified by the borough council or by the board of commissioners of the township of the first class, and shall serve for a period of one year, or until such time thereafter as their successors may be elected and qualified. They shall severally give bond to the borough or township, in such sums as may be fixed by ordinance, for the faithful discharge of their duties. and shall also take and subscribe to the oath required by members of the board. Sec. 3. Act of June 12, 1913. P. L. 471.

3. *Secretary.* The secretary of the board shall keep the minutes of their proceedings; shall keep accurate accounts of the expenditures of the board; shall draw and certify, under the seal of the board of health, all orders upon the treasurers of the borough or township of the first class, for the payment of moneys on account of the board of health, and shall present the same to the president of the board for his approval; shall render statements for the expenditures to the board at each stated meeting, or as frequently as they may require; shall prepare, under the directions of the board, the annual report to the borough council or township commissioners, together with the estimate of appropriation needed for the ensuing year; he shall report to the State Department of Health at the end of each week, and for the fraction of each week occurring at the end of each month, the cases of communicable diseases reported to the board of health, on the form provided for that purpose by the State Department of Health; and shall also make an annual report to the State Department of Health; and shall make such other reports and perform such other duties as the board may require. Sec. 4. Act of June 12, 1913. P. L. 471.

4. *Health Officer.* It shall be the duty of the health officer to attend all stated and special meetings of the board of health, and at all times be ready and available for the prompt performance of his official duties. He shall placard and quarantine all premises upon which cases of communicable disease exist, which have been reported to the board of health or of which he or the board of health may have knowledge, which are required by law, or by regulation of the State Department of Health or of the local board of health, to be placarded and quarantined; and shall disinfect such premises upon the expira-

tion of the quarantine period, and the recovery of the last person therein suffering from such disease. He shall serve written notice on teachers and persons in charge of public, parochial, Sunday, and other schools, requiring the exclusion from school of children who are suffering from or who reside in the same premises with other persons who are suffering from communicable diseases; and shall make sanitary inspections, and shall execute the orders of the board of health, and shall in the performance of his duties have the power and authority of a policeman. Sec. 5. Act of June 12, 1913. P. L. 471.

5. *Powers and Duties.* The said board of health shall have the power, and it shall be their duty, to enforce the laws of the Commonwealth, the regulations of the State Department of Health, and to make and enforce such additional rules and regulations to prevent the introduction and spread of infectious or contagious diseases, by the regulation of intercourse with infected places, by the separation of infected persons, and persons who shall have been exposed to any infectious or contagious disease, and by abating and removing all nuisances which they shall deem prejudicial to the public health; to mark infected houses or places, to prescribe rules for the construction and maintenance of house-drains, wash-pipes, soil-pipes and cess-pools; and to make all such other rules and regulations as they shall deem necessary for the preservation of the public health. They shall also have power, with the consent of councils or township commissioners, in case of a prevalence, or apprehended prevalence, of any contagious or infectious diseases in their borough or township, to establish one or more emergency hospitals, and to make provisions and regulations for the maintenance and management of the same.

The board shall also have the power to make, enforce, and cause to be published, all necessary rules and regulations for carrying into effect the powers and functions with which they are invested by law, and the power and authority relating to the public health conferred on the boroughs and townships of the first class. Such rules and regulations, when approved by the borough council and burgess or by the township commissioners, as the case may be, and when advertised in the same manner as other ordinances, shall have the force of ordinances of the borough or township, respectively; and all penalties or punishment prescribed for the violation thereof, as well as the expenses actually and necessarily incurred in carrying such rules and regulations into effect, shall be recoverable, for the use of the borough or township, respectively, in the same manner as penalties for violation of the ordinances of the borough or township, and subject to the like limitations as to the amount thereof. Sec. 6. Act of April 14, 1915, P. L. 115.

6. *Right of entry.* Said board of health shall have the power as a body, or by committee, as well as the health officer, together with their assistants, subordinates, and workmen, under and by order of the said board, to enter at any time upon any premises in the borough or township upon which there is suspected to be any infectious or contagious disease, or nuisance detrimental to the public health, for the purpose of examining and abating the same. Sec. 7. Act of June 12, 1913. P. L. 471.

7. *Inspections.* The board of health may inspect house drains, waste and soil-pipes, cess-pools, water-closets, slaughter-houses, hog-pens, stables, stable-yards, and any conditions or places whatsoever, in the borough or township of the first class, which may constitute a nuisance or a menace to public health; and whenever any condition or place in the borough or township of the first class is found by them to be a nuisance or a menace to the health of the people of the borough or township of the first class they shall issue a written order of abatement, directed to the owner, or agent of the owner, of the premises, stating that the conditions specified therein constitute a nuisance or a menace to health, and ordering an abatement thereof within such time as may be specified by them in such order. In case such order of abatement is not obeyed within the time specified therein, they shall thereupon issue a further written order to the health officer, directing him to remove or abate the same; which order shall be executed by him and his subordinates and workmen, and the expense thereof shall be recoverable from the owner of the premises upon or from which the nuisance or menace to health is abated or removed, in the same manner as debts of like character are now collected by law; or the said board of health may proceed to enforce such other remedy, or inflict such penalty, as may by ordinance of the borough or township of the first class be provided. Sec. 8, Act of June 12, 1913, P. L. 471.

8. *Reports and estimates.* It shall be the duty of the board of health to submit annually, to the councils or township commissioners, before the commencement of the fiscal year, an estimate of the probable expenditures of the board during the ensuing year; and councils or township commissioner shall then proceed to make such appropriation thereto as may be necessary; and the said board shall, in the month of January of each year, submit a report, in writing, to councils or township commissioners, of its operations and expenditures for the preceding year, together with such other information on subjects relative to the sanitary conditions or requirements of the borough or township as may be necessary, and councils or township commissioners shall publish the same in their official journal. Sec. 9. Act of June 12, 1913. P. L. 471.

9. *Expenses.* All expenses incurred by any local board of health, its officers or employes, in the performance of the duties imposed upon it by law, and all expenses incurred by the Secretary of Health in accordance with the provisions of section ten of this act, shall be paid by the borough or township of the first class wherein such duties are performed, in the same manner as other expenses of such borough or township of the first class are paid. Sec. 11. Act of June 12, 1913. P. L. 471.

10. *Who may serve.* No justice of the peace, member of council, or other officer, except school directors, constables, or election officers, shall, at the same time, be a member of the board of health of such municipality, or hold any office or appointment under the same.—Sec. 20, Act June 18, 1895, as amended by Sec. 1, Act April 3, 1903, P. L. 138.

Note.—A borough board of health may not sue or be sued. It is not a corporation. *Com. v. Olyphant Borough*, 2 Lack. L. N., 181 (1896).

A board of health has no authority to enter upon the lot of a property-holder for the purpose of digging a cesspool thereon as a receptacle for drainage from the property which collects in pools on the streets and becomes stagnant. There are other adequate remedies to abate a nuisance of this kind. The Board may remove the nuisance from the street. *Smith v. Baker*, 14 Pa. C. C., 65 (1893); S. C., 3 D. R. 626.

The board of health or municipality has abundant powers to declare to be a nuisance, and to abate whatever is per se a nuisance at common law, and while such determination may not be final and conclusive, the court should declare it if the uncontradicted evidence establishes a nuisance per se; if not, the case is for the jury.—*Commonwealth v. Yost*, 11 Pa. Sup. Ct., 323 (1899).

The act confers upon the boards of health of boroughs the right to enforce compulsory vaccination only under conditions of infection and contagion which render such enforcement necessary. *Shippensburg Vaccination Case*, 32 Pa. C. C., 523; 9 Dauphin Co. Rep. 156 (1906).

Rules and regulations of a borough board of health, vetoed by the chief burgess, may be passed by council over such veto. When the charter of a borough does not confer the veto power upon the chief burgess, and he is not a member of council, his concurrence in the rules and regulations of the board of health is not necessary. *Board of Health Rules in Boroughs*, 14 Pa. C. C., 116 (1893); S. C., 3 D. R., 225.

The violation of the regulations of borough boards of health may not be punished by indictment, the proper procedure being a civil suit for the penalty. *Com. v. Clark* (No. 1) 14 Lanc. L. Rev., 41 (1896). Summary convictions had in such cases will be set aside upon appeal. *Com. v. Clark* (No. 2) 14 Lanc. L. Rev., 42, (1896).

The fact that councils have made no appropriation to the Board of Health is no defense in an action brought against the Borough for expenses incurred by the Board of Health. A member of a Board of Health performing duties in case of necessity outside the regular duties incident to membership on the Board of Health is entitled to compensation.

Wilson vs. Borough of Montrose, Common Pleas Susquehanna County, No. 78, April T., 1902; also see *Quinn vs. County of Cumberland*, 162 Pa., page 61.

A Borough Treasurer is bound to pay an order drawn upon him by the officers of the Board of Health for the payment of expenses of the Board up to the amount which has been appropriated to the Board by Councils, and Councils have no right to require such orders to be approved by them.

Com. vs. Brown, 46 Superior Court Rpts., 258.

The expenses incurred or authorized by a Board of Health may be recovered from the Borough although Councils have made no appropriation to the Board of Health.

Wilson vs. Borough of Montrose, 28 Pa., C. C. 305.

The President of a Town Council of a borough is vested with the sole power of appointing and removing members of the Board of Health in such borough. He need not show cause for such removal. It is discretionary with him. *Howells vs. Morris*, 44 C. C. 139.

Regulations relating to the health of a first class township must originate with the Board of Health.

The Chairman of a Board of Commissioners of a township of the first class has also the authority to remove members of its Board of Health and appoint others in its stead without preferring charges or making complaint to the Secretary of Health of the Commonwealth. *Haverford township vs. Haines* 23 Dist. R. 1088.

Without the consent of the Board of Health the Borough Council has no power to repeal a rule of the Board of Health, although the rules had to be originally approved by Council. *Carlisle Borough vs. Eppley*, No. 1, 9 M. L. R. 220; 27 Dist. R. 193.

VI. BOARDS OF HEALTH.

Cities of the Third Class.

1. The council of any city of the third class by ordinance may create a board of health. The organization, powers, and duties of said board of health shall be as provided by laws now in force in relation to boards of health, except the members, officers, and subordinates thereof may be appointed by the council.

2. In all cities of the third class where the council of said city shall not elect to create, by ordinance, a board of health, as provided in section one hereof, the said council shall exercise all the rights, duties, and obligations imposed by existing legislation upon boards of health in cities of the third class. Act of 1919 P. L. 310.

3. The councils of any city of the third class may, by ordinance, create a board of health as herein provided, with the powers and duties herein enumerated.

4. The said board shall consist of five members, who shall serve without compensation, and none of whom shall be members of councils. At least two of their number shall be reputable physicians of not less than two years' experience in the practice of their profession. The board shall be appointed by districts to be fixed by councils, representing as equally as may be all portions of the city, and shall serve for the term of five years from the first Monday of April succeeding their appointment. The mayor shall nominate, and by and with the consent of the select council appoint the members of said board, and shall in like manner remove any or all of them for official misconduct or neglect of duty, and fill all vacancies for the unexpired term. At the first appointment the mayor shall designate one of the members to serve for one year, one to serve for two years, one to serve for three years, one to serve for four years and one to serve for five years, and thereafter one member of said board shall be appointed annually to serve for the term of five years.

5. The members of the board shall severally take and subscribe the oath herein prescribed for city officers, and shall annually organize by the choice of one of their number as president. They shall elect a secretary, not of their body, who shall keep the minutes of their proceedings and perform such other duties as may be directed by the board, and a health officer, who shall execute the orders of the board, and for that purpose the said health officer shall have and exercise the powers and authority of a policeman of the city. The Secretary and health officer shall receive such salary as may be fixed by the board, and shall hold their offices during the pleasure of the board. They shall severally give bond to the city in such sums as may be fixed by ordinance, for the faithful discharge of their duties, and shall also take and subscribe the oath required of members of the board. All fees which shall be collected or received by the board, or by any officer thereof in his official capacity, shall be paid over into the city treasury monthly together with all penalties which shall be recovered for the violation of any regulation of the board. The president and secretary shall have full power to administer oaths or affirmations in any proceeding or investigation touching the regulations of the board, but shall not be entitled to receive any fee therefor.

6. The said board of health shall have power and it shall be their duty to make and enforce all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases, by the regulation of intercourse with infected places, by the arrest, separation and treatment of infected persons, and persons who shall have been exposed to any infectious or contagious disease, and by

abating and removing all nuisances which they shall deem prejudicial to the public health; to enforce vaccination, to mark infected houses or places, (to prescribe rules for the construction and maintenance of house drains, waste and soil pipes and cesspools), and to make all such other regulations as they shall deem necessary for the preservation of the public health. They shall also have power, with the consent of councils, in case of the prevalence or apprehended prevalence of any contagious or infectious disease, within the city, to establish one or more hospitals and to make provision and regulations for the management of the same. The board may in such cases appoint as many ward or district physicians and other sanitary agents as they may deem necessary, whose salaries shall be fixed by the board before their appointment. (It shall be the duty of all physicians practicing within the city to report to the secretary of the said board of health the names and residences of all persons coming under their professional care afflicted with such contagious or infectious diseases, in the manner directed by the said board.) Act of May 23, 1889—P. L. 277.

The parts enclosed in brackets -()- seem to be supplied by Act of June 7, 1901, P. L. 493, as amended, by Act of June 28, 1923, P. L. 388.

7. The said board of health shall have power, as a body or by committee, as well as the health officer, together with his subordinates, assistants and workmen, under and by order of said board, to enter at any time upon any premises in the city upon which there is suspected to be any infectious or contagious disease or nuisance detrimental to the public health, for the purpose of examining and abating the same and all written orders for the removal of nuisances, issued to the said health officer by order of said board attested by the secretary, shall be executed by him and his subordinates and workmen and the costs and expenses thereof shall be recoverable from the owner or owners of the premises from which the nuisances shall be removed, or from any person or persons causing or maintaining the same, in the manner herein provided; and the amount of the cost and expense thereof shall also be a lien upon the premises which has caused, or from which the nuisance shall be removed, from the time of the commencement of the work, which date shall be fixed by certificate of the health officer, filed with the city clerk and said lien may be filed and proceeded in as herein provided in the case of municipal liens. [It shall, furthermore, be the duty of said board of health to make suitable rules and regulations, providing for the granting of licenses and permits to firms, corporations, master plumbers and journeymen, authorizing them to carry on the business of plumbing or house drainage in said city, and said board of health in connection herewith, shall appoint a board of examiners, to consist of three competent persons, who shall examine all applicants for license, and, if after proper examination made by such board of examiners, the firm, corporation, master plumber, or journeyman plumber making application for a license or permit, in accordance with such rules, shall be found competent, the same shall be certified to the Board of Health, which shall thereupon issue a license or permit to such firm, corporation, master plumber, or journeyman

plumber, which shall entitle him or them to carry on said business or work in said city; and a register of all such applicants and the certificates so issued shall be kept by said Board of Health, which said register shall be open to the inspection of all persons interested therein. An examination of any one member of a firm, or the proper officer of said corporation, or the superintendent or foreman to be in charge of said business for a firm or corporation, shall be deemed sufficient.]

[Said firm, corporation or master plumber, engaged or engaging in the business or work of plumbing or house drainage, shall pay for each examination the sum of five dollars, and each journeyman shall pay the sum of fifty cents, which sum shall be paid into the city treasury for the use of said cities. The proper officers of said cities are hereby authorized to pay the persons acting on said board the sum of four dollars per day, for each day or session actually employed, out of the funds in the treasury of said cities not otherwise appropriated. The license granted under the provisions of this act may be revoked by said board of health when any firm, corporation, master plumber or journeyman plumber, superintendent, or foreman, shall be deemed incompetent or for any other reasonable cause; but said firm, corporation, master plumber, or journeyman plumber, shall be entitled to an additional examination upon the payment of the fee provided in this act.]

[Any firm, corporation, master plumber or journeyman plumber, violating the provisions of this act, or any of them, shall be liable to a fine of not less than ten dollars nor exceeding fifty dollars, for each and every day he or they shall engage in and conduct said business without having said license or permit. Such fine shall be recoverable before any alderman, or police magistrate in said cities by summary proceedings, and shall be sued for in the name of such cities, and when collected shall be paid into the treasury thereof.] Amendment of May 16, 1901, P. L. 224, Sec. 27.)

[The provision concerning the licensing of plumbers is largely supplied by Sec. 2, Act of June 7, 1901, P. L. 493, as amended by Sec. 2, Act of May 14, 1909, P. L. 840 and by Act of June 12, 1913, P. L. 476.]

8. [The said board of health shall have power to create and maintain a complete and accurate system for the registration of all marriages, births and deaths, which may occur within the city, and to compel obedience to the same upon the part of all physicians and other medical practitioners, clergymen, magistrates, undertakers, sextons and all other persons from whom information for such purposes may properly be required.]

[The board shall make and cause to be published, all necessary rules and regulations for carrying into effect the powers and functions with which they are hereby invested, which rules and regulations, when approved by the mayor, shall have the force of ordinances of the city, and all penalties for the violation thereof, as well as expenses necessarily incurred in carrying the same into effect, shall be recoverable for the use of the city, in the same manner as penalties for the violation of city ordinances, subject to the like limitation as to the amount thereof.]

[This section seems to be supplied, and repealed by implication, by Act of June 7, 1915, P. L. 900.]

9. It shall be the duty of the board of health to submit annually to councils before the commencement of the fiscal year, an estimate of the probable receipts and expenditures of the board during the ensuing year, and councils shall then proceed to make such appropriation thereto as they shall deem necessary; and the said board shall, in the month of January of each year, submit a report in writing to councils of its operations for the preceding year, with the necessary statistics thereof, together with such other information or suggestions relative to the sanitary condition and requirements of the city as it may deem proper, and councils shall publish the same in their official journal. It shall also be the duty of the board to communicate to the State Board of Health copies of all its reports and publications, together with such sanitary information as may from time to time be required by said State Board.

The provisions of section 46 of the Act of May 23, 1874, P. L. 230, which do not seem to have been supplied by the Act of May 23, 1889, P. L. 277, are as follows:—

Section 46.

“Clause 2. A majority of the whole number of members shall be a quorum; * * * * *”.

“Clause 4. Whenever any building, erection, excavation, premises, business, pursuit, matter or thing, or the sewerage, drainage or ventilation thereof, in the opinion of said board of health, whether in whole or in part be in a condition or in effect dangerous to life or health, the said board may declare the same to the extent it may specify as a public nuisance or dangerous to life and health, and the said board may order the same to be removed, abated, suspended, altered or otherwise improved or purified, as said order shall specify and shall cause said order before its execution to be served on the owner, agent, occupant or tenant thereof or some of them; Provided, Said parties or any of them are in such city and can be found, and if the party so served shall, before its execution is commenced, apply to said board to have said order or its execution stayed or modified, it shall then be the duty of said board to temporarily suspend or modify said order, and to give to such party or parties together, as the case, in the opinion of the board may require, a reasonable and fair opportunity to be heard before said board and to present proofs and facts against said declaration, and the execution of said order, or in favor of its modification; and the board shall enter upon its minutes such facts and proofs as it may receive, and its proceedings on such hearing, and thereafter may rescind, modify or reaffirm its said declaration, and order and require execution of said original or of a new or modified order to be made in such form and effect as it may finally determine.”

“Clause 5. The mayor shall have power, and it shall be his duty, to detail from the regular police force of such city or to make new appointments for the purpose, whenever, in the opinion

of the board of health, the public health and sanitary condition of such city may require; such policeman when so detailed, or when appointed, shall be known as the "sanitary police". The number comprising the sanitary police to be determined by the board of health, according to exigencies of the circumstances, and said sanitary police shall be subject to the exclusive direction and control of said board for the enforcement of proper sanitary measures and for the promotion of the public health; whenever, in the opinion of the board of health; the services of the sanitary police are no longer required, the sanitary condition of the city being clearly such as to render their longer continuance on said duty entirely unnecessary, they shall, on recommendation of the board of health, be returned to duty as regular policemen or be dismissed as the mayor may direct; but no permanent increase of the police force shall be made without consent of councils by ordinance, duly enacted."

"Clause 6. Said board may take measures and supply agents, and afford inducements and facilities for general and gratuitous vaccination and disinfection, and may afford medical relief to and among the poor of such city, as in its opinion the protection of the public health may require; * * * *."

"Clause 8. Whoever shall violate any provision of this act or any order of said board of health, made under the authority of the same, or of any law or ordinance therein referred to, or shall obstruct or interfere with any person in the execution of any order of said board, or wilfully and illegally omit to obey any such order, shall be guilty of a misdemeanor, and on conviction shall be subject to fine and imprisonment, or both, at the discretion of the court; such fine shall not exceed one hundred dollars, and such imprisonment shall not exceed ninety days, and all prosecutions and proceedings against any person for a misdemeanor under this act may be had or tried before any judge or tribunal having jurisdiction of any misdemeanors within such city; and any person, corporation or body which may have done or omitted any act or thing which is in this act, or any law or ordinance therein referred to, declared to be or to subject the party guilty thereof to punishment for a misdemeanor, shall, in addition thereto, be subject to a pecuniary liability in the nature of a fine in an amount not to exceed one hundred dollars, as any court of record or any justice of the peace may decide."

"Clause 9. Where expenses shall be incurred by the board of health, under the provisions of this act, it shall be the duty of the city council of any city, upon application and certificate from said board of health, to pass the necessary appropriating ordinances to pay the expenses so incurred and certified."

"Clause 10. The proceedings of the board shall be public and its journal of proceedings open to the inspection of any taxpayer.

Note.—A board of health of a city has no power to fix the salary of the health officers in a sum in excess of the appropriation made by councils therefor, and by so doing make the city liable to respond to such officer for such excess. *Watt vs. Altoona*, 23 Pa. C. C. 410.

Before a health officer can recover for services rendered in attending a family afflicted with small-pox, he must show that his salary was fixed by the board of health before his appointment as a ward, district physician or other sanitary agent. *Cawley vs. Allentown*, 2 Lehigh 58.

A board of health under the Act of May 23, 1889, P. L. 277, may impose a license fee of \$10.00 per year on the business of cleaning cess-pools. *Meadville City vs. Hummel* 15 Pa. C. C. 298.

Councils cannot be compelled by mandamus to make an appropriation to pay the salary of a plumbing inspector until the amount of such salary shall have been fixed by ordinance. *Com. ex rel. District Attorney vs. Armstrong et al.*, 22 D. R. 457, s. c. 61 P. L. J. 103, 40 Pa. C. C. 588.

The salary of the physician authorized to be employed under section 4, Article 9 of the Act of May 23, 1889, P. L. 277, must be fixed before his appointment. *Com. vs. Hitchens*, 12 D. R. 752.

Section 27 of the Act of May 16, 1901, P. L. 224, is not unconstitutional, and all persons desiring to engage in the business of plumbing and house drainage must apply for and receive the proper license and certificate. *York vs. Markel*, 17 York 117.

Under the Act of May 1, 1905, P. L. 330, a councilman, who is also a member of the board of health, cannot hold also the office of state registrar. *Com. vs. Bennett*, 24 York 205.

A municipality cannot resist payment for furniture delivered to it for use in an emergency small-pox hospital, on the ground that no formal order had been given for the goods to the seller by the health officer, where it appears that the goods were delivered at the hospital, were suitable for the purpose intended, were of proper price, and had been used by the city and taken from one hospital to another, without any offer to return them. *Koch vs. Oil City*, 47 Super Ct. 248.

The board of health in cities of the third class has no authority to employ an attorney for the prosecution of a nuisance. All the law matters of the city are under the direction, supervision and control of the city solicitor. *Smith vs. Scranton*, 2 Pa. C. C. 331.

Where persons are quarantined under the regulations of a municipal board of health, and are unable to earn a livelihood by reason thereof, it is the duty of the municipal authorities to provide necessary food during the period of quarantine. *Zellner vs. Allentown*, 5 D. R. 547; See *Brown vs. Gahring et al.*, 18 D. R. 516.

VII. BONE BOILING.

1. *Bone boiling establishments regulated.* From and after the passage of this act, bone boiling establishments and depositories of dead animals may be established and operated in this Commonwealth under the following conditions, to wit: That no establishment for bone boiling or depository of dead animals shall continue to be operated or shall be erected and operated within any city or borough within this Commonwealth, unless the permission of the board of health of said city or borough shall have been obtained, and the said establishment shall be conducted in accordance with the regulations prescribed by the said board of health; and, further, in case a bone boiling establishment or depository of dead animals exists, or is erected and conducted in any county of this Commonwealth, the same shall be conducted under the supervision and subject to the regulations prescribed by the State board of health. Sec. 1, Act of May 19, 1897, P. L. 77.

2. *Penalty for violation of act.* And every person offending against the provisions of this act shall for every such offense, and each month's continuance of the same after notice, forfeit and pay to the board of health if in a city or borough, or to the school board of the district or township if in a township, the sum of fifty dollars, to be recovered as debts of that amount are recoverable, and also be liable to indictment at common law for creating and maintaining a nuisance. Sec. 1, Act of May 19, 1897, P. L. 77.

Note.—A bone boiling plant in a thinly populated district on the outskirts of the city, operating under a license of the board of health in compliance with this act, is not a nuisance, although it may cause much inconvenience to persons residing in the neighborhood. *Shetzline vs. Layer*, 19 D. R. 1025.

VIII. BOROUGHS—(Also see Boards of Health; Burial Grounds; Secretary of Health; Domestic Animals; Milk; Nuisances; Sewage; Sewage and Garbage; Sewers; Toilet Rooms; Water Supplies).

1. *Board of Health.* Be it enacted, &c., That a board of health shall be established and maintained in each borough and township of the first class in this Commonwealth, within three months after the passage of this act. Sec. 1. Act of June 12, 1913, P. L. 471.

2. The powers of a borough shall be vested in the corporate officers. They shall have power:—

3. To provide and supply all water for the use of the inhabitants, and to make regulations for the protection of the pipes, reservoirs and other constructions or apparatus; and to prevent the waste of water so supplied.

4. To construct and maintain in any of the highways within the borough limits, comfort and waiting stations and drinking fountains.

5. To prohibit and remove any nuisance or dangerous structure on public or private grounds, or to require the removal of the same by the owner or occupier of such grounds; in default of which the borough may cause the same to be done and collect the cost thereof, together with a penalty of twenty percentum of such cost, in the manner provided in Chapter 6, Article 11, Section 6 and 7 of this Act.

6. To prohibit the keeping of hogs within the borough or within any part of the borough.

7. To make regulations respecting vaults, cesspools, and drains.

8. To make regulations relative to the collection of manure, compost, and the like.

9. To prohibit accumulations of garbage or rubbish, upon private properties, and to prescribe penalties for the enforcement thereof.

10. To make regulations for the care and removal of garbage and other refuse material, including the imposition and collection of reasonable fees and charges therefor; and to prescribe fines and penalties for the violation of such regulations.

11. To erect, maintain, and operate garbage plants, or to provide other means for the collection, destruction, or removal of garbage and other refuse material; and to provide for the payment of the cost or expense thereof, either in whole or in part out of the funds of the borough.

12. To prohibit within the borough, the carrying on of any manufacture, art, trade, or business which may be obnoxious or offensive to the inhabitants.

13. To make such other regulations as may be necessary for the health and cleanliness, and the beauty, convenience, comfort and safety of the borough.

14. To regulate markets and peddling, and to provide for the inspection of milk. To prohibit or regulate the running at large of dogs; and in the enforcement of such regulations to direct the killing of dogs or their seizure and sale for the benefit of the borough. To prohibit and regulate the running at large of other animals, and to authorize their seizure and sale for the benefit of the borough.

15. To regulate the emission of smoke from chimneys, smoke stacks and other sources; Provided, however, That this bill shall not apply to locomotive smoke stacks.

16. To file and collect municipal claims for water rents, lighting rates, and sewer rates in the manner now provided by law. Chapter 5, Article 1, Act of May 14, 1915, P. L. 312.

Note.—Under the police power a borough may pass an ordinance regulating junk dealers and junk shops and this necessarily embraces the power to impose a license fee or penalty to enforce the regulations. *Borough of Norristown vs. Puleo*, 33 Montg. Co. 239; 31 York 99.

Concerning the general police power possessed by boroughs, notwithstanding it may be expressly granted to them by statute, See *Haverford Township vs. Haines*, 23 D. R. 1088.

IX. BURIAL GROUNDS.

1. *Regulation of burial grounds.* Authority is hereby vested in the court of quarter sessions of the several counties of this Commonwealth to make such orders and decrees for the regulation and care of burial grounds situated in and adjacent to incorporated boroughs, as the public good shall require; and when any such burial ground shall become so neglected as in the opinion of said court, to become a public nuisance, the court may direct the removal of the dead therefrom by the proper borough authorities, to some other properly regulated burial ground, and may enforce, by proper process, orders and decrees made under this act. Sec. 1, Act of May 13, 1876, P. L. 159. See Chapter XI, Art. I, Sec. 5, Act of May 14, 1915, P. L. 312.

2. *Borough councils are given authority:* To prohibit within the borough the burial or interment of deceased persons, or within such partial limits within the same as they may from time to time prescribe, and to regulate the depth of graves. Sec. 2, Act of April 3, 1851, P. L. 320. See Chapter XI, Art. I, Act of May 14, 1915, P. L. 312.

3. *Pollution of water by use of land for burial purposes prohibited.* That it shall be unlawful to use for the burial of the dead any land the drainage from which passes into any stream furnishing the whole or any portion of the water supply of any city, except beyond the distance of one mile from such city; Provided, however, That the prohibitions of this act shall not be enforceable against any land now devoted to burial purposes in which there shall have heretofore been burials and sales of burial lots. Sec. 1, Act of June 24, 1895, P. L. 244.

This act is not a lawful exercise of police power and is therefor unconstitutional as local and special legislation. *Philadelphia vs. West Laurel Hill Cemetery Co.* 21 Dist. R. 75.

4. That whenever any burial ground is being neglected so as to become a nuisance, even though said burial ground may occasionally be used for burial purposes, the court of quarter sessions of the

county in which such burial ground is situated may direct that such burial ground be placed in care of the township supervisor of the township, under the direction and supervision of said court.

5. That upon the petition of twenty-five or more citizens residing within a radius of five miles of any such burial ground, to the court of quarter sessions, the said court may order and direct the township supervisors of the township to cut down, in the month of August of each year, all brush, grass, briars, and weeds growing in such burial ground, and to remove the same, and place such grounds in good order and condition.

The cost thereof shall be paid out of the township treasury, but in no case shall the supervisors of any township expend more than fifteen dollars on any one cemetery, in any one year, for such purposes.

6. Such burial grounds shall remain open to the public, according to such regulations as may be made by the said court.

Act of May 24, 1917. P. L. 292.

X. CERTIFIED COPIES.

1. Be it enacted, &c., That copies of all records, documents, and papers in the possession of the Department of Health, or of any bureau, division, or office thereof, when duly certified by the Secretary of Health, under the seal of the Department of Health, shall be received in evidence in the several courts of this Commonwealth in all cases where the original records, documents, and papers would be admitted in evidence, with the same force and effect as the originals. Sec. 1, Act of May 20, 1907, P. L. 305.

2. Departmental Seals.—Each administrative department, each independent administrative board and commission shall and any departmental administrative body, board, or commission may, adopt and use an official seal. A copy of any paper or document on file with any such department, board, or commission, authenticated by any such seal, shall be evidence equally and in like manner as the original. Act of June 7, 1923, P. L. 498, Sec. 505.

XI. CESSPOOLS—(See Boards of Health).

XII. CHILDREN—(See Cigarettes; Quarantine; Infants).

XIII. CIGARETTES.

1. *Not to be furnished to minors.* Be it enacted, &c., That any person who shall furnish to any minor, by gift, sale, or otherwise, any cigarettes or cigarette paper shall be guilty of a misdemeanor, and, upon being convicted thereof, upon the first offense, before any alderman, magistrate, or justice of the peace, shall be sentenced to pay a fine of twenty-five dollars (\$25), and, in default of the payment thereof, shall be committed to and imprisoned in the county jail of the proper county for a period not exceeding thirty (30) days; and, upon being convicted thereof of a second offense, before any

alderman, magistrate, or justice of the peace, shall be fined the sum of one hundred dollars (\$100); and upon the third offense shall be duly held for trial in the court of quarter sessions of the proper county, and upon conviction thereof, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than three hundred dollars (\$300), or to undergo an imprisonment not exceeding one (1), year or both. Act of May 17, 1921, P. L. 911.

2. *Minors to furnish information.* Any minor, being in possession of a cigarette or of cigarette paper, and being by any police officer, constable, juvenile court officer, truant officer, or teacher in any school, asked where and from whom such cigarette or cigarette paper was obtained, who shall refuse to furnish such information, shall be guilty of a misdemeanor; and upon conviction thereof, before any alderman, magistrate, or justice of the peace, such minor, being of the age of sixteen years or upwards, shall be sentenced to pay a fine not exceeding five dollars, or to undergo an imprisonment in the jail of the proper county not exceeding five days, or both. If such minor shall be under the age of sixteen years, he or she shall be certified by such alderman, magistrate, or justice to the juvenile court of the county for such action as to said court shall seem proper Sec. 2, Act of May 9, 1913, P. L. 198.

XIV. CITIES OF THE THIRD CLASS—(Also see Boards of Health; Infants; Burial Grounds; Milk; Nuisances; Sewage; Toilet Rooms; Water Supplies).

1. Every city of the third class in its corporate capacity is authorized and empowered to enact ordinances for the following purposes:

To construct and reconstruct sewers and to extend the same beyond the city limits in accordance with the provisions of existing laws, and for the purpose of such construction or extension to take and occupy private lands and property making compensation therefor to the owners thereof as required by law.

To regulate the time and place of bathing in rivers and other public waters in and adjoining said city.

To regulate or prohibit the running at large of cattle, hogs, horses, dogs and other animals and fowls.

To make regulations for the enforcement of the laws of the Commonwealth relating to the control of communicable contagious diseases, and for the enforcement of the regulations and orders of the State Department of Health; to make regulations to secure the general health of the inhabitants, and to remove, prevent and abate nuisances.

To make all necessary orders and regulations to prevent the introduction of contagious or pestilential diseases in the city; to make quarantine laws for that purpose and to enforce the same.

To provide a system for the inspection of buildings to insure their structural or sanitary safety. Article V, Act of June 27th, 1913, P. L. 568.

To appropriate money and enter into contracts for the collection and disposal of garbage, ashes, and other waste and refuse matter, or any thereof; and to appropriate money, purchase equipment, and conduct a municipal collection and disposal of garbage, ashes and other waste or refuse matter, or any thereof.

(Amendment of May 31, 1919, P. L. 358).

XV. COCAINE—(Eucaine).

1. Be it enacted, &c., That, except as limited in section two of this act, the word "drug," as used in this act, shall be construed to include—(a) opium; or (b) coca leaves; or (c) any compound or derivative of opium or coca leaves; or (d) any substance or preparation containing opium or coca leaves; or (e) any substance or preparation containing any compound or derivative of opium or coca leaves.

2. The word "drug" shall not be construed to include—(1) preparations and remedies and compounds which do not contain more than two grains of opium, or more than one-fourth of a grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of any of them, in one fluid ounce, if the same is liquid; or, if a solid or semi-solid, in one avoirdupois ounce; (2) liniments, ointments, or other preparations, prepared and dispensed in good faith for external use only; providing such liniments, ointments, and preparations do not contain cocaine or any of its salts, or alpha or beta eucaine or any of their salts, or any synthetic substitute for cocaine or eucaine or their salts; (3) decocainized coca leaves or preparations made therefrom, or other preparations of coca leaves which do not contain cocaine.

Provided, however, That no preparations, remedies, or compounds containing any opium, or coca leaves, or any compounds or derivative thereof, in any quantity whatsoever, may be sold, dispensed, distributed, or given away to, or for the use of, any known habitual user of drugs *or any child of twelve years of age or under*, except in pursuance of a prescription of a duly licensed physician or dentist.

3. The word "person," as used in this act, shall be construed to include an individual, a copartnership, a corporation, or an association. Masculine words include the feminine or neuter. The singular includes the plural. The word "prescription" shall be construed to designate a written order, by a duly licensed physician, dentist, or veterinarian, calling for a drug, or for any substance or preparation containing a drug.

4. No person shall have in his possession or under his control, or deal in, dispense, sell, deliver, distribute, prescribe, traffic in, or give away, any of said drugs. This section does not apply, in the regular course of their business, profession, employment, occupation, or duties, to—(a) manufacturers of drugs; (b) persons engaged in the wholesale drug trade; (c) importers or exporters of drugs; (d) registered pharmacists actually engaged as retail druggists; (e) bona fide owners of pharmacies or drug stores; (f) licensed physi-

cians; (g) licensed dentists; (h) licensed veterinarians; (i) persons in the employ of the United States, or of this Commonwealth, or of any county, municipality, or township of this Commonwealth, and having such drugs in their possession by reason of their official duties; (j) warehousemen, or common carriers, engaged, bona fide, in handling or transporting drugs; (k) persons regularly in charge of drugs in dispensaries, hospitals, asylums, sanitoriums, poorhouses, jails, penitentiaries, or public institutions; (l) nurses under the supervision of a physician; (m) persons in charge of a laboratory where such drugs are used for the purpose of medical or scientific research only; (n) captains, or proper officers, of ships upon which no regular physician is employed, for the actual medical needs of the officers and crew of their own ships only; (o) persons having said drugs in their possession for their own personal use only, provided that they have obtained the same in good faith, for their own use, from a duly licensed physician or dentist, or in pursuance of a prescription given them by a duly licensed physician or dentist; (p) persons having said drugs in their possession for the use of an animal belonging to them, provided that they have obtained the same in good faith, from a duly licensed veterinarian, for the use of such animal, or in pursuance of a prescription given by a duly licensed veterinarian; (q) persons in the bona fide employ of any of the persons above enumerated.

5. No person shall use, take, or administer to his person, or cause to be administered to his person, or administer to any other person, or cause to be administered to any other person, any of the aforesaid drugs, except under the advice and direction, and with the consent, of a regularly practicing and duly licensed physician or dentist.

6. No manufacturer, producer, importer, exporter or person engaged in the wholesale drug trade, and regularly selling drugs, shall sell, dispense, distribute, or give away, any of said drugs, except to—(a) a duly licensed physician; (b) a duly licensed pharmacist; (c) a duly licensed dentist; (d) a duly licensed veterinarian; (e) a manufacturer of drugs; (f) a person engaged in the wholesale drug trade and regularly selling drugs; (g) an exporter of drugs; (h) a bona fide hospital, dispensary, asylum, or sanatorium; (i) a public institution; (j) a bona fide owner of a pharmacy or drug store; (k) a person in a foreign country; (l) a person in charge of a laboratory where such drugs are used for the purpose of scientific and medical research only; (m) the captain, or proper officer, of a ship upon which no regular physician is employed, for the actual medical needs of the officers and crew of such ship only; (n) a person in the employ of the United States, of this Commonwealth, or of any county, municipality, or township thereof, purchasing or receiving the same in his official capacity.

No manufacturer, producer, importer, or person engaged in the wholesale drug trade, and regularly selling drugs, shall sell, dispense, distribute, or give away any of said drugs, except in pursuance of a written order signed by the person to whom such drug is

sold, dispensed, distributed, or given. Such order shall be preserved for a period of two years, in such a way that it will be readily accessible to inspection by the proper authorities.

7. No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute, or give away any of said drugs, except to—(a) another registered pharmacist or bona fide owner of a pharmacy or drug store; (b) a duly licensed physician; (c) a duly licensed dentist; (d) a duly licensed veterinarian; (e) a bona fide hospital, dispensary, asylum, sanatorium, or public institution; (f) an individual, in pursuance of a written prescription issued by a physician, dentist, or veterinarian, which prescription shall be dated as of the day on which signed, and shall be signed by the physician, dentist, or veterinarian who issued the same; (g) a person in charge of a laboratory where such drugs are used for the purpose of medical or scientific research only; (h) the captain, or proper officer, of a ship upon which no regular physician is employed, for the actual medical needs of the officers and crew of such ship only; (i) a person in the employ of the United States, or of this Commonwealth, or of any county, municipality, or township thereof, purchasing or receiving the same in his official capacity.

No registered pharmacist, or bona fide owner of a pharmacy or drug store, regularly engaged in the sale of drugs at retail, shall sell, dispense, distribute, or give away any of said drugs, except in pursuance of a written order signed by the person to whom such drugs are sold, dispensed, distributed, or given. Such order shall be preserved, for a period of two years, in such a way that it will be readily accessible to inspection by the proper authorities. When such drugs are sold, dispensed, distributed, or given to an individual, in pursuance of a prescription, such prescription shall be regarded as the written order herein required, and no further written order shall be necessary.

8. No physician or dentist shall sell, dispense, administer, distribute, give, or prescribe any of said drugs to any person known to such physician or dentist to be an habitual user of any said drugs, unless said drug is prescribed, administered, dispensed, or given for the cure or treatment of some malady other than the drug habit: Provided, however, That, if any physician desires to undertake, in good faith, the cure of the habit of taking or using opium or any of its derivatives in any form, such physician may prescribe or dispense opium or its derivatives to a patient, provided such opium or its derivatives are prescribed or dispensed in good faith for the purpose of curing such patient of such habit, and not merely for the purpose of satisfying a craving for the drug. In every such case the physician shall himself make a physical examination of the patient, and shall report, in writing, to the State Department of Health, the name and address of such patient, together with his diagnosis of the case and the amount and nature of the drug prescribed or dispensed in the first treatment. When the patient leaves his care, such physician shall report, in writing, to the State Department of Health the result of his said treatment.

Any person divulging any information contained in any such report, except for the purpose of enforcing this act, or to a physician who may, in the opinion of the chief of the board of health or of the Secretary of Health, be entitled to such information for the purpose of enabling him to comply with the provisions of this act, shall be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment not exceeding one year, or both, in the discretion of the court.

9. No physician, dentist, or veterinarian shall administer, dispense, give away, deliver, or prescribe any of said drugs, except after a physical examination of the person or animal for whom said drugs are intended; said examination to be made at the time said prescription is issued, or at the time said drug is administered, dispensed, given away, or delivered by said physician, dentist, or veterinarian. No veterinarian shall sell, dispense, distribute, give or prescribe any drug for the use of a human being.

10. Every physician, dentist, and veterinarian shall keep a record of all said drugs administered, dispensed, or distributed by him, showing the amount administered, dispensed, or distributed, the date, the name and address of the patient; and, in the case of a veterinarian, the name and address of the owner of the animal to whom such drugs are dispensed or distributed; such record shall be kept for two years from the date of administering, dispensing, or distributing such drug, and shall be open for inspection by the proper authorities. No record need be kept of any drug administered in an emergency case.

11. This act shall not be construed to apply to the treatment of habitual users of drugs in public hospitals, sanatoriums, poorhouses, prisons, or public institution, *except that all such public institutions shall render an annual report to the State Department of Health, giving therein the names, addresses, ages, clinical conditions, and the results of treatment of all habitual users of drugs given treatment in said institutions.*

12. Any person who shall violate, or fail to comply with, any of the provisions of this act, except as provided in the last paragraph of section eight, shall be guilty of a misdemeanor; and, upon conviction, shall be sentenced to pay a fine not exceeding two thousand dollars, or to undergo an imprisonment not exceeding five years, or both, at the discretion of the court. If the violation is by a corporation, copartnership, or association, the officers and directors of such corporation, or the members of such copartnership or association, their agents and employes, with guilty knowledge of the fact, shall be deemed guilty of a violation of the provisions of this act to the same extent as though said violation were committed by them personally.

13. In any prosecution under this act it shall not be necessary to negative any of the exemptions of this act in any complaint, information, or indictment. The burden of proving any exemption under this act shall be upon the defendant.

14. Any license heretofore issued to any physician, dentist, veterinarian, pharmacist, druggist, or registered nurse may be either revoked or suspended by the proper officers or boards having power to issue licenses to any of the foregoing, upon proof that the licensee is addicted to the use of any of said drugs, after giving such licensee reasonable notice and opportunity to be heard.

15. Whenever any physician, dentist, veterinarian, pharmacist, druggist, or registered nurse is convicted, in a court having jurisdiction, of any violation of this act, the license of such physician, dentist, veterinarian, pharmacist, druggist, or registered nurse may be revoked or suspended by the proper officers or boards having power to issue licenses to any of the foregoing classes, after giving such licensee reasonable notice and opportunity to be heard.

The term "license," as used in sections fourteen and fifteen of this act, shall be construed to include all licenses heretofore issued to any physician, dentist, veterinarian, pharmacist, druggist, or registered nurse, whether said license was issued by the officers or boards at present having power to issue the same, or whether granted under previous authority.

The term "officers or boards," as used in sections fourteen and fifteen of this act, shall be construed to designate such officers or boards as have power to issue licenses to physicians, dentists, veterinarians, pharmacists, druggists, or registered nurses at the time the power to revoke or suspend the license is exercised.

16. The provisions of this act shall be enforced by the Department of Health of the Commonwealth of Pennsylvania; and for that purpose the Secretary of Health is hereby authorized to establish in the Department of Health, a bureau or division for such purpose, and to employ such assistants, stenographers, inspectors, clerks and other employes as, in his opinion, may be necessary and to fix their compensation. For the purpose of enforcing the provisions of this act, the Secretary of Health and his assistants, either in said bureau or division or any other bureau or division of his department, shall have the right to examine, at any time, any or all of the records required by this act to be kept; and the Secretary of Health may further require persons dealing in, buying, selling, handling, or giving away drugs to make such reports to him, or to the bureau aforesaid, as he may deem necessary or advisable. This section shall not be construed to exclude the other duly constituted authorities in this Commonwealth from enforcing the provisions of this act.

The Secretary of Health shall appoint, subject to the approval of the Governor in each instance, inspectors in said bureau, who shall be authorized and empowered to make arrests, without warrant, for all violations of this act by any person or persons who are not taxed as legal dealers in opium, et cetera, by the Government of the United States.

17. *This act, except such part of section one of this act which applies specifically to children of the age of twelve years and under, shall be enforced immediately after the approval of this act, and the*

clause herein excepted shall be in effect from and after the first day of January, one thousand nine hundred and twenty-two. Act of April 20, 1921, P. L. 98.

18. *Confiscation and Distribution of Drugs Offered in Evidence.* Be it enacted, &c., That all drugs offered in evidence in the trial of any cause in this Commonwealth involving illegal sale or possession of such drugs, shall be confiscated by the district attorney of the county in which said trial takes place.

19. The district attorney of the county of this Commonwealth, who shall thus confiscate such drugs, is hereby authorized to deliver such drugs to the State Department of Health or to any other legally constituted health board of any county of this Commonwealth, as in his discretion he may deem fit.

Sections 1 and 2 of the Act of May 20, 1921, P. L. 939.

20. *"Inebriate" Defined.* "Inebriate" shall mean a person habitually so addicted to the use of alcoholic or other intoxicating or narcotic substances as to be unable without help or unwilling to stop the excessive use of such substances. The term shall be held to include "dipsomaniac," "habitual drunkard," "person addicted to the use of alcoholic drink or intoxicating drugs," "person so habitually addicted to the use of alcoholic drink, absinthe, opium, morphine, chloral, or other intoxicating liquor or drug as to be a proper subject for restraint, care, and treatment in a hospital or asylum," "person habitually so addicted to the use of alcohol or narcotic drugs as to be a proper subject for restraint, care, and treatment." But for the purposes of this act, the term shall mean only those inebriates who, except for their inebriety, are of good character and reputation. Act of July 11, 1923, P. L. 998.

21. *Procedure for Committing an Inebriate for Institutional Treatment.* Any inebriate who, except for his inebriety, is of good character and reputation may be admitted to and detained in any State or licensed hospital for mental diseases, or to the psychopathic department or ward of any general hospital maintaining such department or ward, by the same procedure as in the case of the voluntary admission of a person thought to be mentally ill, as provided in section three hundred and one of this act.

He shall not be detained therein for more than ten days after he shall have given written notice to the superintendent thereof of his desire or intention to leave.

22. Any inebriate who, except for his inebriety, is of good character and reputation, and who is a proper subject for care in a State or licensed hospital or institution for inebriates or for mental diseases, may be placed and detained in such institution by order of the court of common pleas or other court of record of the county in which such person is or resides, upon petition, under oath or affirmation of at least two citizens, who shall be either the wife, husband, parent, child, committee of the estate of an inebriate, or next friends of such person, praying for the commitment of such person to a proper hospital or institution for detention, care, and treatment.

Said petition shall state the opinion of the petitioners that the said person is an inebriate within the scope of this act and is a fit subject for detention, care, and treatment in such a hospital or institution, and shall set forth the facts on which said opinion is based. Said petition shall be accompanied by the sworn or affirmed certificate of two qualified physicians, based on careful examination by them of the alleged inebriate, setting forth the condition of such person, their opinion that said person is an inebriate and a fit subject for detention, care, and treatment, and stating the facts of their own observation and the information given them by others on which said opinion is based.

Upon such petition and certificate, the said court shall issue its warrant requiring the said inebriate, on a day fixed, to be brought in court for a hearing. If, after such hearing, the court is satisfied that the alleged inebriate is a proper subject for detention, care, and treatment, the court shall commit said inebriate to the hospital or institution in the petition or other appropriate hospital or institution. But before such commitment shall be made, the consent of the superintendent thereof to such admission shall have been obtained. When so committed the said inebriate shall remain in such hospital or institution until the board of managers or trustees, or the superintendent thereof, shall certify to the said court that detention, care, and treatment are no longer beneficial or necessary to the inebriate or that he is cured, whereupon the court shall order the inebriate to be discharged under such supervision and restriction as the court may impose. But no person shall be detained under the provisions of this act for a period of more than one year.

23. *Writ of Habeas Corpus.* All commitments under this act shall be revisable under writ of habeas corpus, which may be sued out, at any time, by any person restrained hereby, or by any one acting for or on behalf of such person: Provided, That superintendents and other officers of institutions are not to be held personally liable for the detention of patients when such patients are received, placed, and detained in such institutions in compliance with the provisions of this act. Act of July 11, 1923, P. L. 998.

XVI. SECRETARY OF HEALTH—(See also Advisory Board; Certified Copies; Housing; Infants; Nurses' Registration; Sewage; Sewers; Water Supplies).

1. *Appointment.* The Secretary of Health shall be the head of the Department of Health and shall be appointed by the Governor with the advice and consent of the Senate. He shall be a physician of at least ten years' professional experience and a graduate of a legally constituted medical college.

The term of office of the Secretary of Health shall be for a term of four years beginning on the third Tuesday of January next following the election of a Governor and until his successor shall have been appointed and qualified. Act of June 7th, 1923, P. L. 498.

2. *Salary.* The Secretary of Health shall receive an annual salary of \$10,000 and his expenses, actually and necessarily incurred in the performance of his official duties. Section 208, Act of June 7th, 1923, P. L. 498.

3. *To preside at meetings of Advisory Health Board.* The Secretary of Health shall be the Chairman of the Board. Section 439, Act of June 7th, 1923, P. L. 498.

4. *Employment of Assistants.* The Secretary of Health shall, subject to the approval of the Executive Board, establish such Bureaus or Divisions in the Department of Health as may be required for the proper conducting of the work of the Department. Section 212, Act of June 7, 1923, P. L. 498.

5. *Powers and Duties.* The Secretary of Health shall, not later than October 1st of each even numbered year, report in writing to the Governor concerning the condition, management, and financial transactions of his Department. Such report shall, except where impracticable, be for the two-year period, ending May 31st of the year in which it is made.

The Secretary is empowered to prescribe rules and regulations not inconsistent with law for the government of his Department, the conduct of the employes and clerks, the distribution and performance of the Department business, and the custody, use and preservation of the records, books, documents and property pertaining thereto.

He shall have the power to administer oaths or affirmations with regard to any matter or thing which may properly come before him.

The Secretary of Health shall from time to time, as requested by the Governor, prepare and submit to the Governor for approval or disapproval, an estimate of the amount of money required for each activity or function to be carried on by the Department during the ensuing month, quarter or such other period as the Governor shall prescribe. If such estimate does not meet with the approval of the Governor it shall be revised in accordance with the Governor's desires and be resubmitted for approval.

He may issue subpoenas to secure the attendance of witnesses and compel them to testify in any matter or proceeding before him or his authorized agent.

He may issue warrants to any sheriff, constable or policeman, to apprehend and arrest such persons who disobey the quarantine orders or regulations of the Department of Health. Every warrant shall be forthwith executed by the officer to whom directed, who shall make due return of the execution thereof to the Secretary.

The Secretary of Health by reason of his office is a member of the Water and Power Resources Board, Sanitary Water Board and Chairman of the Advisory Health Board. He is also ex-officio member of the Bureau of Medical Education and Licensure, the State Dental Council, the Anatomical Board and the State Welfare Commission. Act of June 7, 1923, P. L. 498.

XVII. DEAD BODIES.

1. *Anatomical Board.* The Anatomical Board of the State of Pennsylvania shall consist of the professors of anatomy, the professors of surgery, the demonstrators of anatomy and the demonstrators of surgery of the medical and dental schools and colleges of this Commonwealth which are now or may hereafter become incorporated, together with one representative from each of the unincorporated schools of anatomy or practical surgery within this Commonwealth in which there are, or from time to time at the time of the appointment of such representatives shall be, not less than five scholars.

The Secretary of Health shall be a member of the board *ex-officio*. The board shall effect such organization and elect such officers as it shall from time to time determine. Act of June 7, 1923, P. L. 498, Art. IV, Sec. 434.

2. *Organization of Board.* The professors of anatomy, the professors of surgery, the demonstrators of anatomy and the demonstrators of surgery, of the medical and dental schools and colleges of this Commonwealth, which are now or may hereafter become incorporated, together with one representative from each of the unincorporated schools of anatomy or practical surgery within this Commonwealth, in which there are, or, from time to time, at the time of the appointment of such representative, shall be, not less than five scholars, shall be and hereby are constituted a board for the distribution and delivery of dead human bodies, hereinafter described, to and among such persons as, under the provisions of this act, are entitled thereto. The professor of anatomy in the University of Pennsylvania, at Philadelphia, shall call a meeting of said board for organization, at a time and place to be fixed by him, within thirty days after the passage of this act. The said board shall have full power to establish rules and regulations for its government, and to appoint and remove proper officers, and shall keep full and complete minutes of its transactions; and records shall also be kept, under its direction, of all bodies received and distributed by said board, and of the persons to whom the same may be distributed, which minutes and records shall be open at all times to the inspection of each member of said board and of any district attorney of any county within this Commonwealth. *The name of said board of distribution shall be Anatomical Board of the State of Pennsylvania.* Act of Apr. 20, 1921. P. L. 167.

3. *Distribution of bodies regulated.* All public officers, agents, and servants, and all officers, agents, and servants of any and every county, city, township, borough, district, and other municipality, and of any and every almshouse, prison, morgue, hospital, or other municipality or other public institution, *and all other persons*, having charge or control over dead human bodies required to be buried at the public expense, are hereby required to *immediately* notify the said board of distribution, or such person or persons as may, from time to time, be designated by said board or its duly authorized officer or agent, whenever any such body or bodies come to his or their possession, charge, or control; and shall, without fee or reward, deliver such body or bodies, and permit and suffer the said board and

its agents and the physicians and surgeons from time to time designated by them, who may comply with the provisions of this act, to take and remove all such bodies to be used within the State for the advancement of medical science. *Such notice shall be given to the board of distribution in all cases*, but no such body shall be delivered, if any relative by blood or marriage shall claim the body for burial, *at the expense of such relative*, within *thirty-six* hours after death, but the body shall be surrendered to said claimant for interment; nor shall any such body be delivered, if any friend, or any representative of a fraternal society of which deceased was a member, or a representative of any charitable organization, shall claim the said body for burial within *twenty-four* hours after death; said burial to be at the expense of such friend, fraternal society, or charitable organization; nor shall the body be delivered if said person was an honorably discharged soldier, sailor, or marine of the United States, or of the militia of the State of Pennsylvania; in which case said body shall be buried in accordance with the provisions of existing laws. In case of the death of any person whose body is required to be buried at the public expense, and the duly authorized officer or agent of the board deems such body unfit for anatomical purposes, he shall notify in writing the poor directors, overseers, or, in counties in which there are no poor directors or overseers, then the county commissioners, of the county where such person died; who shall direct some person to take charge of the body of such diseased indigent person, and cause it to be buried; and draw warrants upon the treasurer of their county for the payment of such expenses, which expenses shall not be less than thirty-five dollars nor more than fifty dollars on each body buried in accordance with the provisions of this act. Such warrants shall be made payable to the persons so authorized and directed, who shall have buried the bodies for which no warrants are to be drawn. No warrants for the payment of the expenses of the burial of any person whose body is required to be buried at the public expense shall be drawn or paid except upon the certificate of the duly authorized officer or agent of the board, to the effect that such body is unfit for anatomical purposes or that the body is of a soldier, sailor or marine required to be buried at the public expense, and that the provisions of this act have been complied with. Wherever, through the failure of any person to deliver the body of a deceased indigent as required by this act, such body shall become unfit for anatomical purposes, and is so certified by the duly authorized officer or agent of said board of distribution, such body shall be buried in accordance with the provisions of this act; and the person so failing to deliver such body shall pay to the county treasurer the expense so incurred, and, upon the refusal or failure of such person on demand to pay such expenses, the poor directors or overseers or, in counties in which there are no poor directors or overseers, then the county commissioners, shall bring suit to recover the same, to be recovered as debts of like amount are by law collectible. Act of Apr. 20, 1921, P. L. 167.

4. Distributees. The said board, or their duly authorized agent, may take and receive such bodies so delivered as aforesaid, and shall, upon receiving them, distribute and deliver them to and among the

schools, colleges, physicians, and surgeons aforesaid, in manner following: Those bodies needed for lectures and demonstrations by the said schools and colleges, incorporated and unincorporated, shall be first supplied; the remaining bodies shall then be distributed proportionately and equitably, preference being given to said schools and colleges; the number assigned to each to be based upon the number of students in each dissecting or operative surgery class, which number shall be reported to the board at such times as it may direct. Instead of receiving and delivering said bodies themselves or through their agents or servants, the board of distribution may, from time to time, either directly or by their authorized officer or agent, designate physicians and surgeons who shall receive them and the number which each shall receive. Act of Apr. 20, 1921, P. L. 167.

5. *Employment of carriers.* The said board may employ a carrier or carriers for the conveyance of said bodies, which shall be well enclosed within a suitable encasement, and carefully deposited free from public observation. Said carrier shall obtain receipts by name, or if the person be unknown, by a description of each body delivered by him, and shall deposit said receipt with the secretary of the said board. Act of June 13, 1883, P. L. 119.

6. *Schools to give bond before receiving bodies.* No school, college, physician or surgeon shall be allowed or permitted to receive any such body or bodies, until a bond shall have been given to the Commonwealth by such physician or surgeon, or by or in behalf of such school or college, to be approved by the prothonotary of the court of common pleas in and for the county in which such physician or surgeon shall reside, or in which such school or college may be situate, and to be filed in the office of said prothonotary, which bond shall be in the penal sum of one thousand dollars, conditioned that all such bodies which the said physician or surgeon, or the said school or college shall receive thereafter shall be used only for the promotion of medical science within this State, and whosoever shall sell or buy such body or bodies, or in any way traffic in the same, or shall transmit or convey or cause to procure to be transmitted or conveyed said body or bodies, to any place outside of this State, shall be guilty of a misdemeanor, and shall, on conviction, be liable to a fine not exceeding two hundred dollars, or be imprisoned for a term not exceeding one year. Sec. 5, Act of June 13, 1883, P. L. 119.

7. *Expenses of delivery.* Neither the Commonwealth, nor any county or municipality, nor any officer, agent or servant thereof, shall be at any expense by reason of the delivery or distribution of any such body, but all the expenses thereof and of said board of distribution shall be paid by those receiving the bodies, in such manner as may be specified by said board of distribution, or otherwise agreed upon. Sec. 6, Act of June 13, 1883, P. L. 119.

8. *Punishment for violation of act.* Any person having duties enjoined upon him for the provisions of this act, who shall neglect, refuse, or omit to perform the same as hereby required, shall, on conviction thereof, be liable to fine of not less than one hundred nor more than five hundred dollars for each offense. Sec. 7, Act of June 13, 1883, P. L. 119.

XVIII. DEPARTMENT OF HEALTH—(See also Housing; Infants; Lead Poisoning; Marriage; Physicians; Quarantine; Schools; Tuberculosis; Water Supplies).

1. How composed—Department Heads—Each administrative department shall have as its head an officer who shall either personally, by deputy, or by the duly authorized agent or employe of the department, and subject at all times to the provisions of this act, exercise the powers and perform the duties by law vested in and imposed upon the department.

The following officers shall be the heads of the administrative departments following their respective titles:

Commissioner of Health, who shall hereafter be known as Secretary of Health, of the Department of Health.

Act of June 7, 1923. P. L. 498.

2. Deputies.—The head of any administrative department, except the Auditor General, State Treasurer, and Secretary of Internal Affairs, shall have the power, with the approval of the Governor, to appoint and fix the compensation of a deputy or such number of deputies as the Executive Board shall approve, who shall, in the absence of the head of such department, have the right to exercise all the powers and perform all the duties by law vested in and imposed upon the head of such department, except the power to appoint deputies, bureau or division chiefs, or other assistants or employes, and who may at any time exercise such of the powers and perform such of the duties of the head of his department as may be prescribed by the head of his department: Provided, however, That any such deputy shall not have the right to exercise any power or perform any duty which the Constitution of the Commonwealth of Pennsylvania requires the head of his department personally to exercise or perform.

3. Extra Compensation Prohibited.—No employe in any administrative department or independent administrative board or commission, employed at a fixed compensation, shall be paid for any extra services unless expressly authorized by the Executive Board prior to the rendering of such services.

4. Expenses.—The heads of administrative departments, the members of independent administrative boards and commissions, the members of departmental administrative bodies, boards, and commissions, the members of advisory boards and commissions, all administrative officers, and all persons employed under the provisions of this act, shall be entitled to receive their traveling and other necessary expenses, actually incurred in the performance of their public duties, upon requisition of the head of the appropriate administrative department or of the appropriate independent administrative board or commission.

5. Qualifications.—All deputies, directors, superintendents, and bureau or division chiefs, and other employes shall be persons especially qualified for their positions by training and experience in the particular kind of work which their official duties will require them to perform.

6. **Oath of Office**.—All persons appointed by the Governor under the provisions of this act, and all deputy heads of administrative departments, shall before entering upon the duties of their offices, take and subscribe the constitutional oath of office, which shall be filed in the office of the Secretary of the Commonwealth.

7. **Fidelity Bonds**.—The heads of all administrative departments, and such deputies, directors, bureau or division chiefs, and such other officers or employes, and such members of departmental administrative bodies, boards, and commissions as the heads of the various departments shall, subject to the approval of the Governor, prescribe; the Secretary of the Board of Game Commissioners, the Commissioner of Fisheries, the members of the Public Service Commission of the Commonwealth of Pennsylvania, the members of the Pennsylvania State Board of Censors, and such officers and employes of the independent administrative boards and commissions as the respective boards and commissions shall, subject to the approval of the Governor, prescribe,—shall before entering upon the discharge of the duties of their respective offices or positions, give bond, with security to be approved by the Attorney General in such penal sums as shall be fixed by the Governor, conditioned for the faithful performance of their respective duties, which bonds shall be filed with the State Treasurer: Provided, That the amount of such bond in the case of the head of any administrative department or any of the officers specifically mentioned in this section shall not be less than twenty thousand dollars.

8. **Departmental Offices**.—Each administrative department and each independent administrative board and commission shall maintain a central office at Harrisburg, in rooms assigned to them by the Board of Commissioners of Public Grounds and Buildings. The head of any department or any independent administrative board or commission may, with the approval of the Governor, establish and maintain at places other than Harrisburg, in quarters assigned by the Board of Commissioners of Public Grounds and Buildings, branch offices for the conduct of any one or more functions of such department, board, or commission, or of any departmental administrative or advisory board or commission in such department.

9. **Office Hours**.—All administrative offices of the State government shall be open for the transaction of public business at least eight hours each day, except Saturdays, Sundays, and legal holidays. On Saturdays, when not legal holidays, such offices shall be open for business for at least three hours. The hours when such offices shall open and close shall, from time to time, be determined by the Executive Board.

10. **Departmental Seals**.—Each administrative department, each independent administrative board and commission shall, and any departmental administrative body, board, or commission may, adopt and use an official seal. A copy of any paper or document on file with any such department, board, or commission, authenticated by any such seal, shall be evidence equally and in like manner as the original.

11. Rules and Regulations.—The heads of all administrative departments, the several independent administrative boards and commissions, the several departmental administrative bodies, boards, and commissions, and the Executive Board are hereby empowered to prescribe rules and regulations, not inconsistent with law, for the government of their respective departments, boards, or commissions, the conduct of their employes and clerks, the distribution and performance of their business, and the custody, use, and preservation of the records, books, documents, and property pertaining thereto.

The Department of Health shall have the right to purchase medicines, medical and surgical supplies required by the department, and furniture, materials, and supplies for the tuberculosis sanatoria maintained by the department.

12. Powers and Duties in General.—The Department of Health shall, subject to any inconsistent provisions in this act contained, continue to exercise the powers and perform the duties by law vested in and imposed upon the said Department of Health, the bureaus thereof, and the Secretary of Health. It shall also exercise such additional powers and perform such additional duties as are vested in and imposed upon it by law.

13. General Health Administration.—The Department of Health shall have the power, and its duty shall be:

(a) To protect the health of the people of this Commonwealth, and to determine and employ the most efficient and practical means for the prevention and suppression of disease;

(b) To purchase such medicines, medical and surgical supplies, and materials as may be necessary to carry on the work of the department;

(c) To cause examination to be made of nuisances or questions affecting the security of life and health in any locality, and for that purpose, without fee or hindrance, to enter, examine, and survey all grounds, vehicles, apartments, buildings, and places within the Commonwealth; and all persons authorized by the department to enter, examine, and survey such grounds, vehicles, apartments, buildings, and places shall have the powers and authority conferred by law upon constables;

(d) To order nuisances, detrimental to the public health or the causes of disease and mortality, to be abated and removed, and to enforce quarantine regulations;

(e) If the owner or occupant of any premises, whereon any nuisance detrimental to the public health exists, fails to comply with any order of the department for the abatement or removal thereof, to enter upon the premises to which such order relates and abate or remove such nuisance, as may now or hereafter be provided by law;

(f) For the purpose of collecting or recovering the expense of the abatement or removal of a nuisance, to file a claim or maintain an action, in such manner as may now or hereafter be provided by law, against the owner or occupant of the premises upon or from which such nuisance shall have been abated or removed by the department;

(g) To revoke or modify any order, regulation, by-law, or ordinance of a local board of health concerning a matter which, in the judgment of the department, affects the public health beyond the territory over which such local board has jurisdiction;

(h) To promulgate its rules and regulations by sending printed copies thereof to all local boards of health, school boards, or clerks of councils of cities and boroughs and by printing the same once in at least one daily newspaper of Philadelphia and Pittsburgh, and to print in circular form such rules and regulations and give copies thereof to any person requesting the same; and

(i) Whenever, in the opinion of the department, conditions exist in any borough or any township of the first class within the Commonwealth, which constitute a menace to the lives and health of the people living outside the corporate limits of such borough or township, or after it be known to the department that any borough or any township of the first class is without an existing or efficient board of health, to enter and take full charge of and administer the health laws, regulations, and ordinances of, such borough or township, and to continue in charge thereof until the department shall decide that a competent and efficient board of health has been appointed and qualified for such borough or township, and is ready, able, and willing to assume and carry into effect the duties imposed upon it by law, and to collect all expenses incurred by the department in performing its duties hereunder, as may now or hereafter be provided by law;

(j) To prescribe standard requirements for the conduct of the medical inspection of the pupils of the public schools throughout the Commonwealth, and to appoint medical inspectors to make such school inspections, as may now or hereafter be provided by law.

14. **Health Districts and Officers.**—The Department of Health shall have the power, in order to enable it more efficiently to manage the sanitary affairs of the Commonwealth, to apportion the Commonwealth into such number of health districts as the department, with the approval of the Governor, shall decide, and in each district to appoint a health officer who shall, under the direction of the department, have supervision and control of the sanitary affairs of the district. Act of June 7, 1923, P. L. 498. (See note)

15. *Penalty for violation of orders and regulations.* Every person who violates any order or regulation of the Department of Health, or who resists or interferes with any officer or agent thereof in the performance of his duties in accordance with the regulations and orders of the Department of Health, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars, or by imprisonment not exceeding one month, or both, at the discretion of the court. Sec. 16, Act of April 27, 1905, P. L. 312.

Note.—Where an agent of the Department of Health, makes an information in good faith and the jury does not find sufficient facts to warrant a conviction, the costs cannot be placed upon the prosecutor.

Com. vs. Shafer, Quarter Sessions, Columbia County, No. 4, December T., 1911.

XIX. DISINFECTION—(See Dead Bodies; Quarantine).

DOMESTIC ANIMALS.

1. *Borough officers may regulate the running at large of animals.* The corporate officers shall have power to prohibit and otherwise regulate the running at large of horses, cattle, sheep, swine, geese, dogs, and other animals, and to authorize their seizure and sale for the benefit of the borough. Sec. 2, Act of April 3, 1851, P. L. 320. See Ch. V, Art. I, Sec. 1, XXIX-XXX, Act of May 14, 1915, P. L. 312.

2. *May direct the killing of dogs.* To authorize and direct the killing of dogs running at large, contrary to the regulations of the borough. Sec. 2, Act of April 3, 1851, P. L. 320. See Ch. V, Art. I, Sec. 1, XXIX, Act of May 14, 1915, P. L. 312.

3. *May regulate accumulations of manure, etc.* To make such regulations relative to accumulations of manure, compost and the like in barns, stable yards and other places, and to prohibit the keeping of hogs within the borough, or within such limits within the same as they may prescribe. Sec. 2, Act of April 3, 1851, P. L. 320. See Ch. V, Art. I, X-XII, Act of May 14, 1915, P. L. 312.

XX. FALSE PERSONATION.

1. *Penalty for Falsely Acting as Public Officer.* That on and after the passage of this act, every person within the Commonwealth of Pennsylvania who falsely represents himself to be or who falsely assumes to act as a detective or any elective or appointive officer of the Commonwealth of Pennsylvania, or of any county, municipality, city, borough, township, district or ward within the Commonwealth of Pennsylvania, shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to pay a fine not exceeding \$500.00, or suffer imprisonment not exceeding two years, or both, or either, at the discretion of the court. Sec. 1, Act of May 5, 1897, P. L. 39.

XXI. FIREARMS.

1. *Not to be discharged near sanatoria.* Be it enacted, &c., That, from and after the passage of this act, it shall be unlawful for any person within this Commonwealth, at any time of the year, to discharge a shotgun or a rifle, or a firearm of any description, except in defense of person or property, or by the written consent of the owner or person controlling the same, upon the grounds belonging to, or connected with and controlled by, those operating a public or private hospital or sanatorium, or park or resort, set apart to the use of the public, either free or otherwise, and upon which human beings congregate in the open, in quest of health, recreation, or pleasure,—such lands being surrounded by a marker, either a fence or single wire, or a marker of any description that will clearly designate the boundaries thereof, and a line of notices printed upon cloth, or painted, and posted not to exceed one hundred yards apart along

said marker, calling attention to the fact that the land within such enclosure has been set apart for a specific purpose (naming it), and that shooting upon such property is prohibited: Provided, That no privileges may be given by those owning or operating such lands to any person to hunt for or shoot at either animals or birds classed as game, in this Commonwealth, upon such property. Each and every person violating any provision of this act shall be guilty of a misdemeanor; and upon conviction shall be liable to a penalty of twenty-five dollars for the first offense, or, in lieu thereof, shall suffer an imprisonment in the common jail of the county of one day for each dollar of penalty imposed for the first offense; and for the second and each succeeding offense after the first offense, shall, in addition to the penalty imposed for the first offense, undergo an imprisonment of one day in jail for each dollar of penalty imposed, no matter whether the penalty in cash be paid or not. Sec. 1, Act of June 6, 1913, P. L. 454.

2. *Penalty.* Each and every State policeman, local policeman, constable, game protector, or any other peace officer, in this Commonwealth, is herewith given authority to, and it is made his duty to, arrest without warrant any person caught in the act of violating any provision of this act, and to follow the usual course of serving a warrant, arresting, and prosecuting persons charged with misdemeanors in this Commonwealth in all cases where the information of such violation is by any other person brought to the attention of the officer.

All penalties collected for violation of any provision of this act shall be delivered to the county treasurer of the county in which the conviction is secured, to be used as other funds belonging to the county are used. Sec. 2, Act of June 6, 1913, P. L. 454.

XXII. FOOD.

1. *Foods.*—The Department of Agriculture shall have the power, and its duty shall be:

(a) To enforce all the laws of the Commonwealth relating to the production, manufacture, transportation, and sale of foods used for man, as well as every article entering into and intended for use as an ingredient in the preparation of foods for man;

(b) For the purpose of enforcing such laws, from time to time, to purchase from wholesale or retail dealers samples of any food or drink and have the same analyzed or examined, and prosecute the sale of adulterated, misbranded, or deleterious foods or drink;

(c) To examine all cold storage warehouses, within the meaning of the laws of this Commonwealth, to ascertain whether they are kept in a sanitary condition, the wholesomeness of the food therein, and the time within which foods shall have been so kept;

(d) To make such rules and regulations as shall be necessary for the enforcement of the laws of this Commonwealth relating to oleomargarine, food, drink, and cold storage warehouses.

2. *Chemistry.*—The Department of Agriculture shall have the power, and its duty shall be:

(a) To purchase from wholesale or retail dealers, for the purpose of making chemical analyses, any fertilizers, lime and lime products, feeds, feeding-stuffs, insecticides, fungicides, paints, oils, turpentine, putties or materials or ingredients used in the manufacture or compound of any such fertilizers, lime and lime products, feeds, feeding-stuffs, insecticides, fungicides, paints, oils, turpentine, or putties, and to make examinations and analyses thereof whenever the Secretary of Agriculture shall deem advisable;

(b) To keep correct records of all analyses made of each of the commodities received. Act June 7, 1923, P. L. 498.

XXIII. FUNERALS—(See Department Regulations).

XXIV. GARBAGE—(Also see Sewage and Garbage Disposal).

1. The powers of the borough shall be vested in the corporate officers. They shall have power:—

To prohibit accumulations of garbage or rubbish, upon private properties, and to prescribe penalties for the enforcement thereof,

To make regulations for the care and removal of garbage and other refuse material, including the imposition and collection of reasonable fees and charges therefor; and to prescribe fines and penalties for the violation of such regulations.

To erect, maintain, and operate garbage-plants, or to provide other means for the collection, destruction, or removal of garbage and other refuse material; and to provide for the payment of the cost or expense thereof, either in whole or in part out of the funds of the borough.

Chap. V. Art. 1, Secs. XIII, XIV, Act of May 14, 1915, P. L. 312. See also Act of April 20, 1905, P. L. 227.

XXV. HOSPITALS—(Also see Boards of Health; Vital Statistics; Water Supplies).

1. *Supervisory Powers.*—The Department of Welfare shall have supervision over:

(a) All State and semi-State institutions;

(b) All supervised institutions, as defined in this article;

(c) All children's institutions within this Commonwealth;

(d) All maternity homes and hospitals within this Commonwealth;

(e) The administration of any system provided by the Commonwealth for assistance to mothers;

(f) Any labor or system of labor carried on in the penal, correctional, or reformatory institutions of the State;

(g) Any system of reparation provided by the Commonwealth for relief from conditions caused by mine-caves, fire, flood, or other casualty, and constituting a menace to public safety and welfare. Act of June 7, 1923, P. L. 498. Art. XX Sec. 2003.

XXVI. HOTELS—(See Public Eating Places).

XXVII. HOUSING—(Also see Cities of the Third Class).

1. The Department of Health shall have the power, and its duty shall be, to investigate the sanitary condition of tenements, lodging and boarding houses, and, when the same are found to be a menace to those occupying the same or employed therein or to be overcrowded, to condemn the same, in such manner and subject to such limitations as may now or hereafter be provided by law, and to notify the owners or agents thereof in writing, setting forth the unsanitary or overcrowded condition thereof, specifying the changes or alterations which shall be made thereto for the purposes of relieving such condition, and further specifying the time within which such changes or alterations shall be completed or overcrowding relieved: Provided, That in making inspections as authorized by this section the Department of Health shall cooperate with the Department of Labor and Industry for the purpose of avoiding any duplication of inspection or overlapping of functions.

For the purpose of making investigations authorized by this section, the officers and agents of the department shall at all times have the right of ingress into all tenement, lodging, and boarding houses. Act of June 7, 1923, P. L. 498. Art. XVIII Sec. 1803.

2. *Power of Bureau to Condemn.* It shall be the duty of said bureau to investigate the sanitary conditions of tenement, lodging, and boarding houses, and when the same are found, in the opinion of said bureau, to be a menace to those occupying the same, or employed therein, or to be overcrowded, to condemn the same, and to notify the owners or agents thereof in writing, setting forth the unsanitary or overcrowded conditions thereof, and specifying in writing the changes or alterations which shall be made thereto for the purposes of relieving such conditions, and further specifying the time within which such changes or alterations shall be completed or overcrowding relieved.

A duplicate copy of such notification and service thereof, attested by the officer or agent making the same on behalf of the bureau, shall, immediately after the service thereof, be filed in the court of common pleas of the county in which such condemned dwelling, premises, or other building, is located; and if no appeal be filed within ten days, by the owner or agents, after service of such notice, then an appeal shall be allowed only upon direct order of the court. Sec. 2, Act of July 24, 1913, P. L. 1015.

3. *Appeal.* Any appeal from the notification of said bureau through its authorized agents shall set forth the specific facts upon which the appeal is based, and upon filing said appeal the court of common pleas shall designate three disinterested persons to examine the buildings, dwellings and premises, and report their conclusions whether the appeal should be dismissed, or the order of the bureau enforced, or in any way modified. Any such finding upon review and hearing by the court shall become final. The court shall have the right to fix the compensation of the persons so appointed, and such amount shall be paid by the appellant when the findings sustain in whole or in part the notification of said bureau.

Upon the expiration of the time designated in the reports to said court, where no appeal is taken, or from the final order, after appeal the names of those who have failed to comply, either with the notice of said bureau, or the court's order based upon appeal, shall be certified by the officer or agent of said bureau to the district attorney, who upon receipt of the same, shall cause a prosecution to be at once instituted against such person or persons. Sec. 3, Act of July 24, 1913, P. L. 1015.

4. *Right of entry.* The officers or agent of this bureau shall have at all times the right of ingress into all premises as aforementioned. Sec. 4, Act of July 24, 1913, P. L. 1015.

5. *Penalty for refusal to comply.* Any owner or agent of any premises condemned as unsanitary or overcrowded, who shall neglect to comply with the order of said bureau, or with the order of court after appeal, and who may continue to rent or use such premises in violation thereof, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined twenty dollars (\$20) per day for each day which the premises shall have been used, and in default of payment of the same, shall be committed to the county jail for such period as the court may direct. And these penalties shall apply to the officers of corporations, or members of firms, either as owners or agents. Sec. 5, Act of July 24, 1913, P. L. 1015.

6. *Penalty for interference.* And any owner, agent or occupant, who interferes with, or prevents ingress to, any officer or agent of this bureau, or to the persons designated by the court for the purposes aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty nor more than one hundred dollars for each and every such offense, or suffer an imprisonment of not more than sixty days, either or both, at the discretion of the court. Sec. 6, Act of July 24, 1913, P. L. 1015.

7. *Boroughs may regulate buildings.* Be it enacted, &c., That to prevent the spread of fires and to secure structural and sanitary safety of the buildings within its limits, every borough shall have power, by ordinance, to establish general regulations for the construction of new buildings and the repair of old ones; and to require that, before work begins, municipal approval of plans and specifications therefor be secured; and to provide for inspection of such construction and repair, including the appointment of one or more building inspectors; to prescribe limits wherein none but buildings of incombustible materials and fire-proof roofs shall be erected or

substantially reconstructed or removed thereinto; and to provide penalties for violation of such ordinance and building regulations. Any building erected, reconstructed, or removed, contrary to the provisions of any such ordinance, is declared to be a public nuisance, and abatable as such. Sec. 1, Act of May 8, 1907, P. L. 184. See Chapter V, Art. I, Sec. 1, XXI, Act of May 14, 1915, P. L. 312.

XXVIII. HYDROPHOBIA OR RABIES.

1. *Relief for indigent.* Be it enacted, &c., That in every county of this Commonwealth it shall be the duty of the officers or directors who are charged by law with the relief and maintenance of the poor and indigent of the county, or of any of the lesser poor districts therein embraced, to provide with approved medical care and proper attendance (including the so-called Pasteur treatment, where prescribed) all indigent persons, domiciled within said districts, who may be assumed to be in danger of suffering from hydrophobia, or rabies, by reason of having been bitten by any animal believed to have been suffering from said disease; and to order payment of the expenses, so incurred, out of the fund provided by law for the support and relief of the needy and indigent of such county, or lesser poor districts, if still prevailing therein. Sec. 1, Act of Apr. 22, 1913, P. L. 111.

2. *Expense under earlier act to be approved.* All earlier acts providing, out of the public funds, for the care of persons assumed to be in danger from hydrophobia, or rabies, are hereby repealed: Provided, That in all cases where, induced by earlier acts, the officers or directors charged as aforesaid have already incurred the expenses of such care or attendance, or both, on account of indigent persons domiciled within their respective districts, and bitten by any animal then believed to have been suffering as aforesaid, their orders for payment of such expenses out of the funds provided as aforesaid, if incurred in good faith, shall be approved and paid by the public officers upon whom these duties are imposed by law. Sec. 2, Act of Apr. 22, 1913, P. L. 111.

XXIX. INDIGENT SICK—(Also see Hydrophobia).

1. *Poor Directors to furnish relief.* The overseers of the poor, director or directors of the poor, and all other officers or boards having the charge or control of the poor, in the several cities of the third class of this Commonwealth, are hereby authorized to furnish relief to all such persons as are needing the same, in all cases where any such officer or authorities are satisfied, upon investigation, that such relief is necessary. The authority hereby given shall not prevent the taking out of orders of relief in cases where the proper poor authorities have refused to act. Sec. 1, Act of June 14, 1901, P. L. 561.

2. *Relief in poor districts not having almshouses.* In each and every county of this Commonwealth in which a poor or almshouse for the support, care and shelter of the needy and indigent is not maintained by and at county expense, it shall be the duty of the poor

directors, or overseers of the poor, of the several poor districts, in such counties, to provide all needy, sick and injured indigent person or persons in their said several districts with necessary support, shelter, medicine, medical attendance, nursing, and, in case of death, burial, whether said needy, sick and injured indigent person or persons have a legal settlement in the poor district in which they thus require assistance or not; but if such indigent person or persons have no known legal settlement within the Commonwealth of Pennsylvania, it shall be lawful for such directors or overseers to notify the commissioners of the county, where such relief is asked or required, of the necessity for such relief to such indigent person or persons; and, from and after such notice, the expense of such relief or burial shall be borne by the county in which the poor district furnishing the same is located; or in their discretion, the commissioners of such county may take charge of such indigent person or persons, and provide necessary relief or burial at the expense of the county. And in event of any such poor district, after due notice to commissioners and their election not to take charge of such indigent person or persons having assumed or paid the expense thus incurred for the relief or burial of such indigent person or persons, whose legal settlement is unknown, the county in which such poor district is located shall be liable to such poor district in an action in assumpsit, in a civil court, for the amount thus expended or incurred, and the want of an order of relief or approval order shall not be a bar to recovery: Provided, Nothing in this act shall be held to change the laws provided in the act of June thirteen, one thousand eight hundred and eighty-three, regarding the duties of officials in charge or control of dead bodies. Sec. 1, Act of March 6, 1903, P. L. 18.

3. *Indigents Unable to Pay Expense of Maintenance.* That whenever any head of a family, or a person, shall be quarantined by any authority, because of any infectious or contagious disease, and by reason of such quarantine such person becomes unable to pay the expense of the maintenance and treatment of his family or himself during the period of quarantine, he shall be considered a "poor person" or a "needy and indigent poor" person within the meaning of the poor laws of this Commonwealth.

Act of May 28th, 1907, P. L. 285.

4. *Indigent non-residents.* Be it enacted, &c., That if any person shall come out of any city, borough, township, or district, in this Commonwealth, into any other city, borough, township, or district, and shall happen to fall sick of any contagious or infectious disease before he shall have gained a settlement therein, the bureau of health, board of health, or board of school directors of such city, borough, or township, or district, shall, as soon as conveniently may be, give notice to the bureau of health, board of health, or board of school directors of the city, borough, township, or district, as the case may be, where such sick person had last gained a settlement, or to one of them, the name, circumstance, and condition of such sick person; and if the bureau of health, board of health, or board of school directors, to whom such notice shall be given, shall neglect or refuse to repay the moneys necessarily expended for the use of such sick person and to take charge of relieving and maintaining him,

or shall on request made refuse or neglect to pay the money expended in maintaining such sick person, in every such case it shall be the duty of the court of quarter sessions of the county where such sick person was last settled, upon complaint to them made, to compel the payment by such bureau of health or board of school directors or board of health of all such sums of moneys as were necessarily expended for such purposes, in the manner directed by law in the case of a judgment obtained against overseers of poor: Provided, That in all cases the court of quarter sessions of the proper county shall have the right and authority to supervise, correct, and amend, or allow, the charges or expenses received, or any items thereof. Sec. 1, Act of May 1, 1909, P. L. 307.

XXX. INFANTS.

1. *Boarding certain infants without license a misdemeanor.* Any person other than an institution duly incorporated for the purpose, who shall engage in the business of receiving, boarding or keeping infant children, under the age of three years, for hire or reward, who shall receive or take for such purpose more than two such children without legal commitment, or without having first obtained a license in writing so to do from the mayor of the town, or a justice of the peace or magistrate of the locality wherein such child is to be received, boarded or kept, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars. Sec. 2, Act of May 28, 1885, P. L. 27.

2. *Boarding infants in cities of the third class.* Be it enacted, &c., That it is hereby made unlawful for any person or persons in any city of the third class, other than institutions duly incorporated for the purpose, to engage in the business of receiving, boarding, or keeping infant children, under the age of three years, for hire, reward, or otherwise, or to receive or take for such purpose more than two such children unaccompanied by an adult caretaker or caretakers, without legal commitment, unless he or she shall have first obtained a license so to do from the mayor of each respective city; or to engage or continue in such business, or receive, take or retain more than two children, after the revocation of such license. Sec. 1, Act of June 9, 1911, P. L. 854.

3. *Mayor to issue licenses.* The mayor of each of the said cities shall grant said license upon such terms, and under such rules, regulations, and penalties as shall be prescribed by general ordinance. Sec. 2, Act of June 9, 1911, P. L. 854.

4. *Physicians to report cases of Ophthalmia Neonatorum.* Be it enacted, &c., That every physician practicing in any portion of this Commonwealth who shall treat or examine any infant suffering from ophthalmia neonatorum (inflammation of the eyes of infants) shall, if the said case be located in a township of the first class, a borough, or a city, forthwith make a report in writing to the health authorities of said township, city, or borough; and, if said case shall be located in a township of the second class, or a city, borough, or township of the first class, not having a board of health, or body acting as such,

to the State Department of Health, upon blanks supplied for that purpose; in which report he shall under his or her own signature, state the name of the disease, and the name, age, sex, color, and nativity of the infant suffering therefrom, together with the street and house number of the premises in which said infant may be located, or otherwise sufficiently designate the same, the date of the onset of the disease, the name and occupation of the householder in whose family the disease may have occurred; together with such other information relating to said case as may be required by said health authorities and the State Department of Health. Sec. 1, Act of June 5, 1913, P. L. 443.

5. *Midwives to report.* That any midwife, or nurse, or other person having the care of an infant, whose eyes have become inflamed or swollen or reddened at any time within two weeks after birth, shall report the same, in writing, to the health authorities of the city, borough, or township of the first class in which the case may be located; or, if it be located in a township of the second class, or a city, borough, or township of the first class, not having a board of health, or body acting as such, the State Department of Health, within six hours after the discovery thereof; giving the name of the infant, the names of the parents or guardians, and the street and number of their residence, or otherwise sufficiently designate the same; together with the fact that such inflammation or swelling or redness exists, and shall make a similar report in writing to some regularly qualified practicing physician of the district. Sec. 2, Act of June 5, 1913, P. L. 443.

6. *Parents to be notified.* That it shall be the duty of the said health authorities or the State Department of Health, immediately upon receipt of a written report from a midwife or a nurse, or person other than a practicing physician, to notify the parents or guardian, or other person having charge of the infant, of the danger to the eyes or eye of said infant by reason of any neglect or proper treatment of the same. Sec. 3, Act of June 5, 1913, P. L. 443.

7. *Physicians to report result of treatment.* Every physician in this Commonwealth who shall treat any infant's eyes for ophthalmia neonatorum (inflammation of the eyes of an infant) shall, within forty-eight hours after said physician ceases treatment of or attendance upon such case of ophthalmia neonatorum, report to the Secretary of Health of the Commonwealth of Pennsylvania that said physician has treated a certain case of ophthalmia neonatorum, giving full information as required in section one of this act, stating that he has ceased treatment of or attendance upon said case, and what was condition of infant's eyes when physician ceased treatment of or attendance upon said case of ophthalmia neonatorum. Sec. 4, Act of June 5, 1913, P. L. 443.

8. *Copies of the act to be distributed.* Every health officer shall furnish a copy of this act to every person who is known to him to act as a midwife or nurse in the city, borough, or township for

which he is health officer; and the Secretary of Health of this Commonwealth of Pennsylvania shall cause a sufficient number of copies of this act to be printed and supplied to the health officers. Sec. 5, Act of June 5, 1913, P. L. 443.

9. *Penalty.* Any physician, midwife, nurse, or other person who shall violate any of the provisions of this act, shall, upon conviction thereof in a summary proceeding before any justice of the peace or alderman of the county wherein such offense was committed, be sentenced to pay a fine of not less than twenty or more than one hundred (\$100) dollars, to be paid to the use of the said county, and the costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten (10) or more than thirty (30) days, or both, at the discretion of the court. Sec. 6, Act of June 5, 1913, P. L. 443.

XXXI. LEAD POISONING.

1. *To be reported.* Every physician making an examination, under section six, and finding what he believes to be symptoms of lead-poisoning, shall enter in a book kept for that purpose in the office of the employer, a record of such examination, containing the name and address of the employee so examined, the particular work or process in which he is engaged, the date, place, and finding of such examination, and the directions given in each case by the physician. The record shall be open to inspection at all reasonable times by the State Department of Labor and Industry and by the State Department of Health.

Within forty-eight hours after such examination and finding, the examining physician shall send a report thereof, in duplicate,—one copy to the State Department of Labor and Industry and one to the State Department of Health. The report shall be on, or in conformity with, blanks to be prepared and furnished by the State Department of Health, free of cost, to every employer included in section two, and shall state: (a) name, occupation, and address of employee; (b) name, business, and address of employer; (c) nature and probable extent of disease; and (d) such other information as may be reasonably required by the State Department of Health.

The examining physician shall, also, within the said forty-eight hours, report such examination and finding to the employer; and after five days from such report the employer shall not continue the said employee in any work or process where he will be exposed to lead dusts, lead fumes, or lead solutions, included in section two of this act. Sec. 7, Act of July 26, 1913, P. L. 1363.

2. *Penalty.* Every employer who, personally or through any agent, violates or fails to comply with any provision of sections five, six or seven relating to him, and every employee who violates or fails to comply with the provisions of section six relating to him, shall be guilty of a misdemeanor, and on conviction thereof shall be sentenced to pay a fine of not less than ten (\$10) dollars, nor more than one hundred (\$100) dollars. Sec. 8, Act of July 26, 1913, P. L. 1363.

XXXII. LOCAL REGISTRARS—(See Vital Statistics).

XXXIII. MARRIAGE.

1. The Department of Health shall have the power and its duty shall be to obtain, collect, compile, and preserve all statistics of marriages, &c., to prepare the necessary methods, forms and blanks for obtaining and preserving records of marriage, &c., and to issue marriage, birth and death certificates and such burial and removal permits as may now or hereafter be provided by law. Act of June 7th, 1923, P. L. 498.

2. *Husband and wife.* Be it enacted, &c., That the word "husband" or "wife," for the purposes of this act, shall be construed to include any person who has gone through any form of marriage with any other person, which form is recognized as binding by the laws of the place where such form is used, whether the marriage be valid in law or not, if not legally declared annulled and void by the decree of a proper court of record. Sec. 1, Act of Mar. 27, 1903, P. L. 102.

3. *Bigamy.* That from and after the passage of this act, if any person shall have two wives or two husbands at one and the same time; or, if any person who has entered into a contract of marriage with another person, whether the marriage be valid in law or not, shall, while the other contracting party be alive, and before said former marriage has been legally declared void or annulled by the decree of a proper court of record, go through any form of marriage recognized as binding under the laws of this Commonwealth with any other person, whether the parties cohabit thereafter as man and wife or not; he or she shall be guilty of a misdemeanor; and on conviction be sentenced to pay a fine not exceeding one thousand dollars, or to undergo an imprisonment, by separate and solitary confinement at labor, not exceeding two years, or both, at the discretion of the court, and in all such cases, where the first marriage shall be valid in law, the second and all subsequent marriages shall be bigamous and void: Provided, That if any husband or wife shall upon any false rumor, in appearance well founded, of the death of the other (when such other person has been absent for two whole years), hath married or shall marry again, he or she shall not be liable to the penalties of fine and imprisonment imposed by this act. Sec. 2, Act of Mar. 27, 1903, P. L. 102.

4. *Unmarried persons knowingly marrying persons already married.* If any person, being unmarried, shall knowingly marry, or go through any form of marriage recognized as binding under the laws of this Commonwealth, with the husband or wife of any person, whether the parties to such marriage cohabit thereafter as man and wife or not, he or she shall be guilty of a misdemeanor; and on conviction, be sentenced to pay a fine not exceeding five hundred dollars, or undergo an imprisonment, by separate and solitary confinement at labor, not exceeding two years, or both, at the discretion of the court. Sec. 3, Act of Mar. 27, 1903, P. L. 102.

5. *Limitation of action.* No indictment which is brought or exhibited under sections two and three of this act shall be barred by any statute of limitation: Provided, The indictment is brought or exhibited within two years next after any act of cohabitation between the parties to the bigamous marriage laid in the indictment, or, if there be no act of cohabitation, within two years from the date of entering into such bigamous marriage. Sec. 4, Act of Mar. 27, 1903, P. L. 102.

6. *Marriage of first cousins made unlawful.* From and after the first day of January, Anno Domini, one thousand nine hundred and two, it shall be unlawful for any male person and female person, who are of kin of the degree of first cousins, to be joined in marriage. Sec. 1, Act of June 24, 1901, P. L. 597.

7. *Marriages in violation of act declared void.* All marriages contracted in violation of the provisions of the first section of this act are hereby declared void. Act of June 24, 1901, P. L. 597.

Form of License.

State of Pennsylvania, } ss.
County of }

To any minister of the gospel, justice of the peace, or other officer or person authorized by law to solemnize marriage:

You are hereby authorized to join together, in the holy state of matrimony, according to the rites and ceremonies of your church, society or religious denomination, and the laws of the Commonwealth of Pennsylvania, A..... B....., of full age and never heretofore married, and C..... D....., likewise of full age and never heretofore married.

Given under my hand and seal of the orphan's court of said county of at..... this..... day of Anno Domini, one thousand Clerk.

But, if either of said parties be not of the full age of twenty-one years, then, in lieu of the words "of full age," his or her age shall be stated, and the fact of consent of parents or guardians shall likewise be stated; and if either of said parties shall have been married previously to the issuing of such license, then, in lieu of the words "never previously married," the number of times he or she shall have been previously married, and the mode by which said prior marriage or marriages was or were dissolved, shall be stated, and, if by divorce, the cause for which such divorce shall have been granted. Act of March 27, 1903, P. L. 80.

9. *Written application for marriage licenses.* Be it enacted, &c., That no license to marry shall be issued except upon written and verified application to the clerk of the orphans' court. Such application shall contain a statement of the full Christian name and surname, color, occupation, birth-place, residence, and age of the parties;

whether the marriage contemplated is the first, second or other marriage; and that neither of the contracting parties is afflicted with a transmissible disease; together with the full Christian name and surname, residence color, occupation, and birth-place of their parents, including the maiden name of the mother; together with such other facts as may be necessary to determine whether any legal impediment to the proposed marriage exists. Such application shall be recorded by the clerk, together with the license and certificate of marriage, in a book provided for that purpose, which book shall be a public record. Sec. 1, Act of July 24, 1913, P. L. 1013.

10. *Form of application to be furnished by the Department of Health.* Applications for license to marry shall be uniform throughout the State; and it is hereby made the duty of the State Department of Health to furnish a form therefor to the several clerks at once upon the approval of this act; Provided, That said State Department of Health may revise said forms, so furnished, from time to time, as may be advisable. Sec. 2, Act of July 24, 1913, P. L. 1013.

11. *When license may not be issued.* No license to marry shall be issued where either of the contracting parties is an imbecile, epileptic, of unsound mind, or under guardianship as a person of unsound mind; nor to any male person who is or has been, within five years, an inmate of any county asylum or home for indigent persons, unless it satisfactorily appears that the cause of such condition has been removed, and that such male applicant is physically able to support a family; or if, at the time of making application, either of the contracting parties is under the influence of an intoxicating liquor or narcotic drug; and no license shall be valid for a longer period than sixty days from the date of issue. Sec. 3, Act of July 24, 1913, P. L. 1013.

12. *Orphans' Court to hear doubtful cases.* In those cases, when the right to a license is not made to appear, the clerk shall refuse to issue the same. At once, upon such refusal, he shall certify the proceeding to the proper orphans' court, without formality or expense to the applicants, who shall be notified by him of such action. Such application shall thereupon be, at the earliest practicable time, heard by the judge of said court, without a jury, in court or in chambers, during the term or in vacation, as the case may be; and his finding that a license ought to issue or ought not to issue shall be final, and the clerk shall act in accordance therewith; the true intent of this section being to secure for the applicants a hearing by said judge, without affirmative action by said applicants, and to give notice to them of such hearing, its time and place, without delay or expense. Sec. 4, Act of July 24, 1913, P. L. 1013.

13. *Consent of parents or guardians.* All acts or parts of Acts conflicting with the provisions of this Act be and the same are hereby repealed: Provided, That nothing in this Act shall be construed to authorize the marriage of persons not of legal age, without the consent of parents or guardians, as now provided by law. Sec. 5, Act of July 24, 1913, P. L. 1013.

Note.—Form of

APPLICATION FOR MARRIAGE LICENSES.

No.....

COMMONWEALTH OF PENNSYLVANIA, }
COUNTY OF } ss:

We, the undersigned, in accordance with the statements hereinafter contained, the facts set forth wherein we and each of us do solemnly swear are true and correct to the best of our knowledge and belief, do hereby make application to the Clerk of the Orphans' Court of..... County, Pennsylvania, for a license to marry.

.....
.....

Statement of Male.

Full name and surname, ...
Relation of parties, if any, either by blood or marriage, ...
Color, ... Occupation, ...
Birthplace, ... Residence, ...
Age, ...yrs. Previous marriage or marriages, ...
Date of death or divorce of former wife or wives, ...
Is applicant afflicted with any transmissible disease?
Name and surname of Father, ...
Of Mother, ... Maiden name of Mother, ...
Residence of Father, ... Of Mother, ...
Color of Father, ... Of Mother, ...
Occupation of Father, ... Of Mother, ...
Birthplace of Father, ... Of Mother, ...
Is applicant an imbecile, epileptic, of unsound mind or under the influence of any intoxicating or narcotic drug, ...
.....
.....

Has applicant within five years been an inmate of any county asylum or home for indigent persons, ... Is applicant physically able to support a family, ...

Signature of applicant, ...

Statement of Female,

Full name and surname, ...
Relation of parties, if any, either by blood or marriage, ...
Color, ... Occupation, ...
Birthplace, ... Residence, ...
Age, ...yrs. Previous marriage or marriages, ...
Date of death or divorce of former husband or husbands, ...
Is applicant afflicted with any transmissible disease?
Name and surname of Father, ...
Of Mother, ... Maiden name of Mother, ...
Residence of Father, ... Of Mother, ...
Color of Father, ... Of Mother, ...
Occupation of Father, ... Of Mother, ...
Birthplace of Father, ... Of Mother, ...
Is applicant an imbecile, epileptic, of unsound mind or under guardianship as a person of unsound mind, or under the influence of any intoxicating liquor or narcotic drug, ...
.....

Signature of applicant, ...

Sworn and subscribed before me this.....day of....., A. D. 192.....

.....
Official title, ...

Official seal.

My commission expires, ...

14. Fees. That for each marriage license issued after the first day of July, one thousand nine hundred and twenty-one there shall be paid a fee of fifty cents, in addition to the fees now imposed by the act to which this is a supplement. The said fee shall be collected by the clerk of the orphans' court issuing said license, and, at the end of each month, all moneys so collected by him shall be transmitted to the State Treasurer, to be placed in the general fund for the use of the Commonwealth. Act of May 11, 1921, P. L. 494.

XXXIV. MAUSOLEUMS.

1. Be it enacted, &c., That (1) after the passage of this act, the erection, construction, or building of any mausoleum, vault, crypt, or structure intended to hold or contain the bodies of the dead, shall be under the direct supervision of the State Department of Health, subject to the following conditions and provisions:

2. Before commencing the erection of any mausoleum, vault, crypt, or structure to which the public has access, intended for interment of the dead, the person, firm, or corporation intending to erect such structure shall first present to the State Department of Health, for examination and approval, detail plans and specifications of the mausoleum or vault to be erected. Such detailed plans and specifications shall in any and every case show the exact location, and provide for (a) a structure so arranged that every part thereof may be readily examined by any person regularly appointed to make such examination at any time during its construction; (b) that proper provision is made for permanently sealing each individual crypt after the placing of a dead body therein, and in such manner that no danger to the health of the community may arise therefrom; (c) that the materials used in the construction of the exterior of any such vault or mausoleum shall be in accordance with plans and specifications approved by the Department of Health, and shall be evidenced by a permit in writing signed by the State Secretary of Health; and such signed approval, together with the detailed plans and specifications so approved, shall, before work is commenced on such structure, be filed in the office of the recorder of deeds of the county wherein such building is to be erected, and there remain as a public record.

3. The erection of such vault or mausoleum shall be under the supervision of an inspector appointed by the State Department of Health, and who shall be competent to perform such work and with a knowledge of such construction. The duty of such inspector shall be to see that the plans and specifications for such structure are complied with in every detail; the said inspector having full power to reject any materials of construction not fully up to the standard required in the plans and specifications, and it shall be obligatory that the inspector shall either accept or reject any portion of the work completed at the time of each inspection. A written report of such acceptance or rejection shall immediately be made to the person, firm, or corporation erecting such structure at the time such acceptance or rejection is made. No deviation from the original specifications shall be permitted, except that the internal arrangement of crypts within such structure may be changed if necessary.

4. No mausoleum, vault, or crypt, as aforementioned, shall be used for the purpose of interring or depositing therein any dead bodies until there shall have been obtained from the State Department of Health a final certificate permitting such interment; such certificate to be filed with the recorder of deeds of the county in which such building is located.

5. It is distinctly understood that the Commonwealth of Pennsylvania shall in no way be held responsible for any liability resulting from any permit given by the Department of Health, as hereinbefore provided.

6. This act shall take effect immediately: Provided, however, That it shall not apply to or affect any mausoleum or vault now in course of erection, or which shall have been wholly or partially sold, except as the burial of bodies is controlled by existing law.

7. All mausoleums, vaults, crypts, or structures intended to hold or contain the bodies of the dead, now or hereafter erected, shall be exempt from taxation, in like manner as cemeteries are exempt by law.

Approved—The 23d day of June, A. D. 1917.

XXXV. MEDICAL INSPECTION—(See Public Eating Places; Schools).

XXXVI. MEDICAL PRACTICE.

1. A Bureau of Medical Education and Licensure is established in the Department of Public Instruction See Act of June 3rd, 1911, P. L. 639, and its supplements and amendments.

XXXVII. MIDWIVES—(See Infants; Medical Practice; Vital Statistics Bureau.)

XXXVIII. MILK.

1. The Agent of the Department of Agriculture known as the Dairy and Food Commissioner is charged with the enforcement of the several acts of assembly pertaining to milk. See Act of June 8, 1911, P. L. 712 and its supplements; See also Rules and Regulations of the Department of Health.

XL. NIGHT-SOIL.

1. *Night-soil not to be used as fertilizer.* Be it enacted, &c., That it shall be unlawful to use night-soil as a fertilizer, or otherwise, on any ground on which vegetables of a variety or varieties which are eaten uncooked for human food are being grown: Provided, however, That the term "night-soil," for the purposes of this act, shall be construed to include only human excrement, and the contents of privy wells; and that any such night-soil which shall have been treated by any process approved by the Secretary of Health of the State Department of Health, to remove its objectionable features, shall not be within the prohibition of this act. Sec. 1, Act of May 20, 1913, P. L. 240.

2. *Penalty.* Any person, firm, or corporation violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) or more than one hundred dollars (\$100.00) for each offense, or imprisoned for not more than two months, or both, in the discretion of the court. Sec. 2, Act of May 20, 1913, P. L. 240.

XLI. NUISANCES—(Also see Cities of the Third Class; Secretary of Health; Townships of the First Class).

1. Public nuisances. Any person who shall erect, set up, establish, maintain, keep up, or continue, or cause to be erected, set up, established, maintained, kept up or continued, any public or common nuisance, shall be guilty of a misdemeanor, and, on conviction, shall be sentenced to pay a fine, and suffer an imprisonment, or either, or both, according to the discretion of the court under the circumstances of the case; and where the said nuisance shall be in existence at the time of the conviction and sentence, it shall be lawful for the court, in its discretion, to direct either the defendant or the sheriff of the proper county, at the expense of the defendant, to abate the same: Provided also, That all obstructions to private roads, laid out according to law, shall be nuisances, which would be nuisances in cases of obstruction to public roads or highways. Sec. 73, Act of March 31, 1860, P. L. 382.

Note.—The pollution of the river Schuylkill, from which the drinking water of the city of Philadelphia is obtained, is indictable under this section; *Commonwealth vs. Sonlas*, 16 Phila. 523, 1884.

2. The powers of the borough shall be vested in the corporate officers. They shall have power:—

3. To prohibit and remove any obstruction or nuisance in the highways of the borough. Act of May 14, 1915, P. L. 312.

4. To prohibit and remove any nuisance or dangerous structure on public or private grounds, or to require the removal of the same by the owner or occupier of such grounds; in default of which the borough may cause the same to be done and collect the cost thereof, together with a penalty of twenty per cent of such cost, in the manner provided in chapter six, article twelve, sections two and three of this act. Act of May 14, 1915, P. L. 312.

5. To prohibit, within the borough, the carrying on of any manufacture, art, trade, or business which may be noxious or offensive to the inhabitants. Act of May 14, 1915, P. L. 312.

6. It shall be the duty of the burgess:— To preserve order in the borough, to enforce the ordinances and regulations, to hear complaints, to remove nuisances and to exact a faithful performance of the duties of the officers appointed. Act of May 14, 1915, P. L. 312.

7. Whenever the board of health of the borough shall declare as a nuisance any public alley, lane, or passageway, any two or more owners of property adjacent or abutting upon the same may present

their petition, verified by oath or affirmation, to the court of quarter sessions, setting forth the facts regarding such nuisance, and praying that said alley, lane or passageway may be vacated. Such petition shall be accompanied by a certificate of the board of health, setting forth that they have declared such alley, lane, or passageway to be a public nuisance. Act of June 20, 1911, P. L. 1087.

8. To require the removal of all obstructions and nuisances from the sidewalks, curbstones, gutters, streets, public alleys, ways, and street crossings, at the expense of the owners or occupiers of the ground fronting thereon, or at the expense of the person or persons placing the same there or causing the same; and to regulate the planting, trimming, care, and protection of shade trees in the streets, the building of cellars and basement ways, and other excavations through or under the sidewalks in said city. Act of May 27, 1919, P. L. 310, Sec. 12.

9. To make regulations for the enforcement of the laws of the Commonwealth relating to the control of communicable contagious diseases, and for the enforcement of the regulations and orders of the State Department of Health; to make regulations to secure the general health of the inhabitants, and to remove, prevent and abate nuisances. Act of June 27, 1913, P. L. 568.

10. Whenever the board of health or health authorities of any township of the first or second class shall declare as a nuisance any public alley, lane, or passageway, any two or more owners of property adjacent or abutting upon the same may present their position, verified by oath or affirmation to the court of quarter sessions, setting forth the facts regarding such nuisance, and praying that said alley, lane, or passageway may be vacated. Such petition shall be accompanied by a certificate of the board of health or health authorities of the township, setting forth that they have declared such alley, lane or passageway a public nuisance. Sec. 775, Act of July 14, 1917, P. L. 840.

11. The said board of health shall have the power, and it shall be their duty, to enforce the laws of the Commonwealth, the regulations of the State Department of Health, and to make and enforce such additional rules and regulations to prevent the introduction and spread of infectious or contagious diseases, by the regulation of intercourse with infected places, by the separation of infected persons, and persons who shall have been exposed to any infectious or contagious disease, and by abating and removing all nuisances which they shall deem prejudicial to the public health; to mark infected houses or places, to prescribe rules for the construction and maintenance of house-drains, wash-pipes, soil-pipes and cesspools; and to make all such other rules and regulations as they shall deem necessary for the preservation of the public health. They shall also have power, with the consent of councils or township commissioners, in case of a prevalence or apprehended prevalence of any contagious or infectious diseases in their borough or township, to establish one or more emergency hospitals, and to make provisions and regulations for the maintenance and management of the same.

The board shall also have the power to make, enforce, and cause to be published, all necessary rules and regulations for carrying into effect the powers and functions with which they are invested by law, and the power and authority relating to the public health conferred on the boroughs and townships of the first class. Such rules and regulations, when approved by the borough council and burgess or by the township commissioners, as the case may be, and when advertised in the same manner as other ordinances, shall have the force of ordinances of the borough or township, respectively; and all penalties or punishment prescribed for the violation thereof, as well as the expenses actually and necessarily incurred in carrying such rules and regulations into effect, shall be recoverable, for the use of the borough or township, respectively, in the same manner as penalties for violation of the ordinances of the borough or township, and subject to the like limitations as to the amount thereof. Act of April 14, 1915, P. L. 114.

12. Said board of health shall have the power as a body, or by committee, as well as the health officer, together with their assistants, subordinates, and workmen, under and by order of the said board, to enter at any time upon any premises in the borough or township upon which there is suspected to be any infectious or contagious disease, or nuisance detrimental to the public health, for the purpose of examining and abating the same.

13. The board of health may inspect house drains, waste- and soil-pipes, cesspools, water-closets, slaughter-houses, hog-pens, stables, stable-yards, and any conditions or places whatsoever, in the borough or township of the first class, which may constitute a nuisance or a menace to public health; and whenever any condition or place in the borough or township of the first class is found by them to be a nuisance or a menace to the health of the people of the borough or township of the first class, they shall issue a written order of abatement, directed to the owner, or agent of the owner, of the premises, stating that the conditions specified therein constitute a nuisance or a menace to health, and ordering an abatement thereof within such time as may be specified by them in such order. In case such order of abatement is not obeyed within the time specified therein, they shall thereupon issue a further written order to the health officer, directing him to remove or abate the same; which order shall be executed by him and his subordinates and workmen, and the expense thereof shall be recoverable from the owner of the premises upon or from which the nuisance or menace to health is abated or removed, in the same manner as debts of like character are now collected by law; or the said board of health may proceed to enforce such other remedy, or inflict such penalty, as may by ordinance of the borough or township of the first class be provided. Act of June 12, 1913, P. L. 471.

XLII. NURSES' REGISTRATION.

1. A State Board of Examiners for the registration of nurses shall consist of the superintendent of Public Instruction ex-officio and five members who shall be registered nurses, graduated from

training schools connected with hospitals where practical and theoretical instruction is given in general surgical and medical nursing, and who shall have been engaged in nursing in the Commonwealth of Pennsylvania for at least five years since graduation.

For further information see Act of June 7th, 1923, P. L. 415 and Act of May 23d, 1923, P. L. 351.

XLIII. OPHTHALMIA NEONATORUM—(See Infants).

XLIV. OSTEOPATHISTS.

1. *Observance of State and Municipal health regulations; fees and compensation of practitioners.*—Osteopathic physicians and osteopathic surgeons shall observe and be subject to all State and municipal regulations relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health, the same as physicians of other schools, and all such reports and certificates, when made or issued by osteopathic physicians licensed under the laws of the Commonwealth, shall be accepted by the persons, partnerships, corporations, officers, boards, bureaus, or departments to whom the same are made, with the same force and effect as reports or certificates issued by physicians of other schools; and such osteopathic physicians shall be entitled to the same fees and compensation as is provided by law for physicians of any other school: Provided, That no report or certificate made under the provisions of this section, in connection with a case involving operative surgery, shall be valid unless the same is made by an osteopathic surgeon duly licensed to practice operative surgery under the provisions of this Act. Act of June 14, 1923, P. L. 795.

2. *Osteopathic physicians.* Osteopathic physicians shall observe and be subject to all State and municipal regulations relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health, the same as physicians of other schools, and such reports shall be accepted by the officers or department to whom the same are made. Sec. 12, Act of March 19, 1909, P. L. p. 46.

XLV. PHYSICIANS—(Cocaine; Dead Bodies; Infants; Lead Poisoning; Quarantine; Schools; Vital Statistics).

1. Every physician practicing in any portion of this Commonwealth who shall treat or examine any person suffering from or affected with any disease herein specifically declared communicable and reportable, or by regulation declared communicable and reportable, shall, if said case shall be located in a township of the first class, a borough, or a city, forthwith make a report in writing to the health authorities of said township, city, or borough; and, if said case shall be located in a township of the second class, or a city, borough or township of the first class not having a board of health or body acting as such, to the health officer appointed by the Department of Health for such district; upon blanks for that purpose,

in which report he shall, over his or her own signature, state the name of the disease, and the name, age, sex, color, nativity, and occupation, if any, of the person suffering therefrom, together with the street and house number of the premises in which said person may be located, or otherwise sufficiently designate the same, the date of the onset of the disease, the name and occupation of the householder in whose family the disease may have occurred, the number of children in said household attending school and the name or names of the school or schools so attended, together with such information relating to said case as may be required by said health authorities and the Department of Health. Act of June 28, 1923, P. L. 888.

Note.—It is not a defense that a physician treating a case of reportable disease did not report it because he did not make a proper diagnosis
Com. vs. Evans, 59 Superior Court Rpts., 607.

Diseases specifically declared communicable and reportable.

2. Be it enacted, &c., That the following diseases are hereby specifically declared to be communicable, to wit:

Actinomycosis, anterior poliomyelitis (infantile paralysis), anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), epidemic dysentery (bacillary or amebic dysentery), erysipelas, German measles, glanders, (farcy), rabies (hydrophobia), impetigo contagiosa, leprosy, malarial fever, measles, mumps, pellagra, pneumonia (true), puerperal fever, relapsing fever, scabies, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), tetanus, trachoma, trichiniasis, tuberculosis in any form, typhoid fever, para typhoid fever, typhus fever, uncinariasis, whooping cough, or yellow fever.

The Department of Health may, when it deems it necessary to safeguard human life and health, declare as communicable diseases additional to those hereinbefore specifically so declared, but only in the following manner, that is to say: Act of June 28, 1923, P. L. 888.

3. Any physician, undertaker, teacher of a public school, principal of a school, superintendent of a Sunday School, sexton, janitor, parent or guardian, or any other person or persons who shall fail, neglect, or refuse to comply with, or who shall violate, any regulation of the Department of Health or the local health authorities shall for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine of not more than one hundred (\$100) dollars, to be paid to the use of said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten or more than thirty days, or both, at the discretion of the court. Act of June 28th, 1923, P. L. 888.

XLVI. PLUMBING—(See Boards of Health).

XLVII. PUBLIC EATING PLACES.

1. Be it enacted, &c., That no person or persons, firm, corporation, or common carrier, operating or conducting any hotel, restaurant, dining-car, or other public eating or drinking place in this

Commonwealth, shall hereafter employ or keep in their employ, in the capacity of cook, waiter, chambermaid, kitchen-help or other house-servant, any person or persons who is or are suffering from trachoma, active tuberculosis of the lungs, open skin tuberculosis, syphilis, gonorrhea, open external cancer, or barber's itch; and all persons so employed, who, at the time of the passage of this act, are suffering from any of the said diseases, shall at once be excluded from such employment in such hotel, restaurant, dining-car, or other public eating place.

Every person, so employed or permitted to work for any person or persons, firm, corporation, or common carrier, operating or conducting any hotel, restaurant, dining-car, or other public eating or drinking place in this Commonwealth, shall obtain a certificate from a reputable registered doctor of medicine, certifying that such person is free from any of the diseases mentioned in section one of this act; and no person shall be employed or permitted to work as aforesaid in such hotel, restaurant, dining-car, or other public eating or drinking place in this Commonwealth, without having first obtained such a certificate. Said certificate or certificates shall be filed with the local health authorities within five days from date of said medical examination. The said certificate or certificates shall be valid for a period of six months, and may be revoked at any time prior thereto if the condition of such person warrants it.

2. That no person or persons, firm, or corporation, operating or conducting any hotel, restaurant, dining-car, or public eating or drinking place in this Commonwealth, shall keep in their employ, in any of the several capacities mentioned in section one of this act, any person who is a carrier of typhoid fever, after notice that any person so employed by them is a carrier of typhoid fever has been served in writing upon the owner, operator, or manager of any such hotel, restaurant, dining-car, or other public eating or drinking place by a physician or the health authorities.

3. That no person or persons, firm, or corporation, operating or conducting any hotel, restaurant, dining-car, or other public eating or drinking place in this Commonwealth, shall furnish to their patrons or customers any dish, or other receptacle or utensil, used in eating or drinking, which has not been thoroughly cleansed since it was used by another individual, *and kept in a clean and sanitary condition subsequent to said cleansing.*

4. That no person or persons, firm, or corporation, operating or conducting any hotel, restaurant, dining-car, or other public eating or drinking place, and having and maintaining in connection therewith any wash-room for public use, or for the use of their patrons or customers, shall furnish in such wash-room any towel, unless such towel be laundered or discarded after each individual use. *All wash-rooms as above mentioned shall be kept in a clean and sanitary condition.*

5. That no person or persons, firm, or corporation, operating or conducting any hotel, restaurant, dining-car, or other public eating or drinking place, shall furnish or keep in or about such establishment, at any drinking fountain or public drinking place to which

the public or their customers or patrons have access, any common drinking vessel for common use: Provided, That this section shall not preclude the use of vessels which are cleansed by washing with hot water and soap or are disinfected or destroyed after each individual use. Act of May 5, 1921, P. L. 347.

6. That any person or persons, firm, or corporation, who shall violate any of the provisions of this act, shall, upon conviction thereof, in a summary proceeding before any justice of the peace or alderman in the county in which the offense is committed, be sentenced to pay a fine of not less than five (\$5) or more than one hundred (\$100) dollars, to be paid to said county, and the costs of prosecution, or to be imprisoned in the county jail for a period of not more than thirty (30) days, or both, at the discretion of the court. Sec. 7, Act of May 28, 1915, P. L. 642.

XLVIII. PUBLIC HEALTH IN COUNTIES.

1. Be it enacted, &c., That the Board of County Commissioners may provide and appropriate from any monies in the county treasury not otherwise appropriated, annually, such sum or sums as they deem necessary for the protection of the health, cleanliness, convenience, comfort, and safety of the people of the county; and said Board of County Commissioners, upon their appropriating money for health work as provided for herein, shall cooperate with the State Department of Health and boroughs and first-class townships, within their respective counties, in the promotion of health work.

2. In case any health officers are appointed under section one of this act, such appointees shall be approved by the State Department of Health, and such appointees shall have the same powers and duties as are now prescribed for the same officers in boroughs and first-class townships. Act of March 17, 1925, P. L. 34.

3. Be it enacted, &c., That the several local boards of health of cities of the third class, boroughs, and first-class townships of the Commonwealth now or hereafter incorporated are hereby authorized and empowered to organize county health associations for the purpose of holding meetings at such times and places within the county as such county association may designate, for the purpose of advancing the various health interests of said third-class cities, boroughs, and first-class townships, promote remedial legislation; and discuss any and all topics relating to the health and conduct of their respective municipalities; and providing for the enforcement and economical method of administering health legislation.

4. Cities of the third-class, boroughs, and first-class townships' boards of health may by resolution designate one delegate to attend such meetings of the county health association. The said boards of health of the several counties joining said county health association shall pay as dues to such county health association a sum not exceeding five dollars (\$5.00) per annum. The actual expenses of such delegate attending meetings of said county health association, including traveling expenses and hotel bills actually paid, shall be

paid by the various boards of health of the said third-class cities, boroughs, and first-class townships, by orders drawn upon their respective treasuries.

5. Each county health association is hereby authorized to elect one delegate to attend the annual meeting of the Pennsylvania Public Health Association to be held at such time and place within the Commonwealth as said Pennsylvania Public Health Association may designate.

The actual expenses of such delegate attending the meeting of the Pennsylvania Public Health Association, including traveling expenses and hotel bills actually paid, shall, upon approval of such bill, be paid by the several county health associations. Act of April 10th, 1925, P. L. 223.

XLIX. QUARANTINE—(Also see Cities of the Third Class; Secretary of Health; Physicians).

1. That the following diseases are hereby specifically declared to be communicable, to wit:

Actinomycosis, anterior poliomyelitis, (infantile paralysis), anthrax, bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), epidemic dysentery (bacillary or amebic dysentery), erysipelas, German measles, glanders (farcy), rabies (hydrophobia), impetigo contagiosa, leprosy, malarial fever, measles, mumps, pellagra, pneumonia (true), puerperal fever, relapsing fever, scabies, scarlet fever (scarlatina, scarlet rash), smallpox (variola, varioloid), tetanus, trachoma, trichiniasis, tuberculosis in any form, typhoid fever, para typhoid fever, typhus fever, uncinariasis, whooping cough, or yellow fever.

The Department of Health may, when it deems it necessary to safeguard human life and health, declare as communicable diseases additional to those hereinbefore specifically so declared, but only in the following manner, that is to say:

The Secretary of Health shall call a meeting of the advisory health board, five days' written notice of which shall be sent to each member of the board. The notice shall state the time and place of meeting and the fact that a proposed regulation will be presented declaring a certain disease or diseases—setting it or them forth by name—to be communicable. The notice shall also state such of the diseases as should, in the opinion of the Secretary of Health, be quarantinable or reportable, or both, and the quarantine period therefor.

Upon the affirmative vote of four members of the advisory health board personally present, any disease or diseases set forth in the proposed regulation is or are hereby declared communicable, with the same force and effect as if expressly enumerated in this act. Any such disease is hereby further declared quarantinable or reportable, or both, as may be provided in the regulation, with the force and effect hereinbefore referred to.

The regulation may be amended at such meeting so as to eliminate some or any of the diseases set forth in the notice, but no disease shall be declared communicable which is not contained in the notice.

Every physician practicing in any portion of this Commonwealth who shall treat or examine any person suffering from or affected with any disease herein specifically declared communicable and reportable, or by regulation declared communicable and reportable, shall, if said case shall be located in a township of the first class, a borough, or a city, forthwith make a report in writing to the health authorities of said township, city, or borough; and, if said case shall be located in a township of the second class, or a city, borough, or township of the first class not having a board of health or body acting as such, to the health officer appointed by the Department of Health for such district; upon blanks for that purpose, in which report he shall, over his or her own signature, state the name of the disease, and the name, age, sex, color, nativity, and occupation, if any, of the person suffering therefrom, together with the street and house number of the premises in which said person may be located or otherwise sufficiently designate the same, the date of the onset of the disease, the name and occupation of the householder in whose family the disease may have occurred, the number of children in said household attending school and the name or names of the school or schools so attended, together with such information relating to said case as may be required by said health authorities and the Department of Health.

2. Upon receipt by the health authorities of any township of the first class, borough, or city, or by the health officer of the Department of Health, of a report of the existence of a case of anterior poliomyelitis (infantile paralysis), bubonic plague, cerebrospinal meningitis (epidemic), (cerebrospinal fever, spotted fever), chicken pox, Asiatic cholera, diphtheria (diphtheritic croup, membranous croup, putrid sore throat), German measles, leprosy, measles, mumps, scarlet fever (scarlatina, scarlet rash), smallpox, (variola, varioloid), typhoid fever, para typhoid fever, typhus fever, whooping cough, yellow fever, or any diseases declared communicable and quarantinable by regulation as hereinbefore provided, the said health authorities, or health officer or medical representative of the Department of Health, as the case may be, shall quarantine or cause to be quarantined, in the manner prescribed by the rules or regulations of the Department of Health or of the local health authorities, the premises in which such disease exists and any person or persons who has or have been exposed thereto, or any person or persons who, in the opinion of the attending physician, health authorities or a medical representative of the Department of Health, is or are reasonably suspected of having such disease, by quarantining such person or persons either upon the premises in which the disease exists or in a place designated in this State for the isolation, control, and treatment of communicable disease, in the manner prescribed by the rules and regulations both of the said health authorities and the Department of Health; and shall post or cause to be posted, in a conspicuous place or places upon the premises in which the said disease may be located, a placard or placards, upon which shall be printed

in conspicuous letters the name of the disease from which the person or persons in said house or premises is or are suffering, with the warning that said premises are under quarantine, that no person or persons other than the attending physician and trained nurse shall enter or leave the said premises, except by permission of the health authorities, and setting forth the penalties prescribed by this act for violations of quarantine: Provided, That, in the case of a person or persons suspected of suffering from disease or diseases of the generative organs, no quarantine shall be established or caused to be established by health officers or representatives of the Department of Health until it is reasonably certain, from personal examination or laboratory tests or from evidence which has been furnished to the Department of Health or to any board, bureau, or department of health, that the person or persons is or are suffering from diseases of the generative organs, but this proviso shall not prevent the quarantine of persons known to be prostitutes and reasonably suspected of suffering from diseases of the generative organs and of being a menace to the health of the community: Provided further, That variola or varioloid shall be placarded as "smallpox," and that diphtheritic croup, membranous croup, and putrid sore throat shall be placarded as "diphtheria," that scarletina and scarlet rash shall be placarded as "Scarlet fever," and that para typhoid fever shall be placarded as "typhoid fever;" Provided further, That in addition to the placarding, said health authorities may, for the purpose of enforcing quarantine regulations, place a guard or guards over the said house or houses or premises.

3. That the said placards shall remain in place until the expiration of the quarantine period fixed by the local health authorities and the Department of Health and the recovery, death, or removal of the person or persons affected; and shall only be removed by the health officer after the destruction or disinfection of infected bedding, clothing, and other articles which have been exposed to infection, and the disinfection of rooms, premises, and inmates, as may be prescribed by the regulations of local health authorities or the Department of Health.

4. The Department of Health, with the consent and approval of the advisory health board, shall determine the duration of the quarantine to be imposed for each of the diseases mentioned in section two of this act, and for such others as may at any time be declared reportable and quarantinable in accordance with its provisions, the period of isolation of those suffering from the communicable diseases, and the duration of the quarantine or degree of restraint to be placed upon those who have been exposed to a communicable disease, and shall make such further regulations looking to the prevention and the spread of the communicable diseases as may be deemed necessary for the protection of the public health.

The call for a meeting of the advisory board, to formulate quarantine regulations, shall be in writing to each member of the said board. The notice shall antedate the meeting by at least five days, and it shall contain a copy of the proposed regulations. Upon the

affirmative vote of four members of the advisory health board personally present, the proposed regulations, when properly promulgated as now or hereafter provided by law, shall become effective with the same force as if expressly set forth in this act.

5. The registry of all public, private, parochial, Sunday, and other schools shall exhibit the names and residences of all children and persons excluded therefrom or readmitted thereto agreeably to the provisions of the regulations of the Department of Health and local health authorities or any act of Assembly; and said register shall be open at all times to the inspection of the city, borough, or township authorities, and the Department of Health, and their respective officers and agents.

6. Blanks whereon to make the reports and certificates required by this act or the regulations of the Department of Health shall be supplied, in cities, boroughs, and townships of the first class, by the health authorities thereof, respectively; and in townships of the second class, and in cities, boroughs, and townships of the first class not having boards of health or bodies acting as such, by the Department of Health.

7. It shall be the duty of the health authorities of cities, boroughs, and townships of the first class, respectively, to furnish to persons in charge of public, private, parochial, Sunday, or other schools, a daily notice, containing the name, location, and disease of all persons suffering from any quarantinable disease, upon receipt by them of reports of such cases from physicians as required by section one of this act; and such notice shall be daily furnished to such persons in charge of such schools in townships of the second class, and in cities, boroughs, and townships of the first class not having boards of health or bodies acting as such, by the health officer for the Department of Health.

8. The health authorities of the several townships, boroughs, and cities of this Commonwealth may, and they are hereby authorized and empowered to, establish additional rules and regulations regarding the isolation and quarantine of persons who may be suffering from any of the diseases comprehended by section one of this act, and for the destruction or disinfection of bedding, clothing, or other infected article, and for the disinfection of houses and premises, and for the carrying out of the provisions of this act and the regulations of the Department of Health, as they may in good faith declare the public safety and health demand; which rules and regulations they may, from time to time, alter or amend, but in no instance shall such rules abridge in any way the provisions of this act or the regulations of the Department of Health.

9. The health authorities of the several cities, boroughs, and townships of the first class shall, at the end of each week and for the fraction of a week occurring at the end of each month, report to the Department of Health, upon blanks supplied for that purpose, a list of all cases of communicable diseases comprehended by section one of this act which have been reported to them during said period; which report shall contain the name of each person suffering

therefrom, respectively, and his or her age, sex, color, and nativity, together with the name of the disease, and the date of the onset thereof; and, in the event of no reports of any of said diseases having been received by the aforesaid health authorities, respectively, during any said period, that fact shall be reported to the Department of Health.

10. Any person who shall remove, deface, cover up, or destroy, or cause to be removed, defaced, covered up, or destroyed, any placard relating to any of the diseases declared to be quarantinable shall for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein such offense was committed, be sentenced to pay a fine of not more than one hundred (\$100) dollars, to be paid to the use of said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten days or more than thirty days, or both, at the discretion of the court. Any person, other than the attending physician or trained nurse, who shall enter or leave any quarantined premises without having secured permission from the health authorities; or who shall violate any of the quarantine restrictions imposed by the rules and regulations of the health authorities of any city, borough, or township of the first class or the rules and regulations of the Department of Health; or who shall interfere with a health officer or any other duly qualified agent of the Department of Health or of any local board or department of health in the discharge of his official duties in the placarding, quarantining, disinfecting, or releasing from quarantine of any premises or in the investigation of any alleged case of quarantinable disease,—shall for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine of not more than one hundred (\$100) dollars, to be paid to the use of the said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten or more than thirty days, or both, at the discretion of the court.

Any physician, undertaker, teacher of a public school, principal of a school, superintendent of a Sunday school, sexton, janitor, parent or guardian, or any other person or persons who shall fail, neglect, or refuse to comply with, or who shall violate, any regulation of the Department of Health or the local health authorities shall for every such offense, upon conviction thereof in a summary proceeding before any magistrate or justice of the peace of the county wherein said offense was committed, be sentenced to pay a fine of not more than one hundred (\$100) dollars, to be paid to the use of said county, and costs of prosecution, or to be imprisoned in the county jail for a period of not less than ten or more than thirty days, or both, at the discretion of the court.

11. The act, entitled “An act to safeguard human life and health throughout the Commonwealth by providing for the reporting, quarantining, and control of diseases declared communicable by this act and by regulation of the Department of Health; providing for the prevention of infection therefrom; and prescribing penalties,” approved July seventeenth, one thousand nine hundred and nineteen (Pam-

phlet Laws, page one thousand and ten), and the act, entitled "An act to amend an act, approved the seventeenth day of July, one thousand nine hundred and nineteen, entitled 'An act to safeguard human life and health throughout the Commonwealth by providing for the reporting, quarantining, and control of diseases declared communicable by this act and by regulation of the Department of Health; providing for the prevention of infection therefrom; and prescribing penalties,' by providing for quarantine in places designated for the isolation, control, and treatment of communicable diseases, by providing for the quarantine of communicable diseases upon an opinion of the attending physician, health authorities, or any medical representative of the State Department of Health that a reasonable suspicion of such disease exists, and granting certain powers to the advisory board," approved the twenty-first day of April, one thousand nine hundred and twenty-one (Pamphlet Laws, page two hundred and seven), are hereby repealed. All acts or parts of acts inconsistent with this one are hereby repealed. Act of June 28, 1923—P. L. 888.

Note.—The State Department of Health has power to take charge and regulate those who are suffering from contagious diseases and living in townships of the second class.

Com. vs. Byers, Quarter Sessions of Bedford County, No. 3, November T., 1913.

L. RESTAURANTS—(See Public Eating Places).

LI. SANATORIA—(See Firearms; Hospitals; Tuberculosis).

LII. SCHOOLS—(Also see Quarantine; Vaccination).

1. *Necessary grounds and suitable buildings.* The board of school directors of each district shall provide the necessary grounds and suitable school buildings to accommodate all the children between the ages of six and twenty-one years, in said district, who attend school. Such buildings shall be constructed, furnished, equipped, and maintained in a proper manner as herein provided, suitable provisions being made for the heating, ventilating and sanitary conditions thereof, so that every pupil in any such building may have proper and healthful accommodations. Sec. 601, Act of May 18, 1911, P. L. 309.

2. *Light area and floor space.* All school buildings hereafter built or rebuilt shall comply with the following conditions:

In every school room the total light area must equal at least twenty per centum of the floor space, and the light shall not be admitted thereto from the front of seated pupils.

Every school room shall have not less than fifteen square feet of floor space, and not less than two hundred cubic feet of air space per pupil. Sec. 618, Act of May 18, 1911, P. L. 309.

3. *Stoves to be jacketed.* No board of school directors in this Commonwealth shall use a common heating stove for the purpose of heating any school room, unless such stove is in part enclosed within

a shield or jacket made of galvanized iron, or other suitable material, and of sufficient height, and so placed, as to protect all pupils while seated at their desks from direct rays of heat. Sec. 619, Act of May 18, 1911, P. L. 309.

4. *Ventilation.* No school room or recitation room shall be used in any public school which is not provided with ample means of ventilation, and whose windows when they are the only means of ventilation, shall not admit of ready adjustment both at the top and bottom, and which does not have some device to protect pupils from currents of cold air. Every school room or recitation room shall be furnished with a thermometer. See 620, Act of May 18, 1911, P. L. 309.

5. Every school building hereafter erected or reconstructed, whose cost shall exceed four thousand dollars (\$4,000), or which is more than one story high, shall be so heated and ventilated that each school room and recitation room shall be supplied with fresh air at the rate of not less than thirty cubic feet per minute for each pupil, and which air may be heated to an average temperature of seventy degrees Fahrenheit during zero weather.

6. *Sanitary grounds.* The board of school directors in each school district shall put the grounds about every school building in a neat, proper, and sanitary condition, and so maintain the same, and shall provide and maintain a proper number of shade trees. Sec. 626, Act of May 18, 1911, P. L. 309.

7. *Water closets to be provided.* The board of school directors in every district shall, with every building used for school purposes, provide and maintain in a proper manner, a suitable number of water-closets or outhouses, not less than two for each building, where both sexes are in attendance. Such water-closets or outhouses shall be suitably constructed for, and used separately, by the sexes. When any water-closets or outhouses are outside and detached from the school-building, the entrances thereto shall be properly screened, and they shall, unless constructed at a remote distance from each other, have separate means of access thereto, and, if possible, for not less than twenty-five feet from such water-closets or outhouses, such means of access or walks leading thereto shall be separated by a closed partition, wall, or fence, not less than seven feet high. Sec. 632, Act of May 18, 1911, P. L. 309.

8. *Water-closets to be kept clean.* The board of school directors shall keep all water-closets or outhouses, used in connection with any school building, in a clean and sanitary condition, and shall, not less than ten days prior to the opening of any term of school and oftener if necessary, have them properly cleaned and disinfected by the use of fresh dry-slacked lime, or other proper disinfecting material. Sec. 633, Act of May 18, 1911, P. L. 309.

9. *Appropriations may be forfeited.* The Superintendent of Public Instruction shall have power to condemn as unfit for use, on account of unsanitary or other improper conditions any school building, school site, or outbuilding in this Commonwealth, and upon failure on the part of the board of school directors to remedy such condition, he shall have power to withhold and declare forfeited all or any part of the annual appropriation apportioned to any such school district. Sec. 1017, Act of May 18, 1911, P. L. 309.

10. *Teachers must be free from tuberculosis.* No teachers' certificate shall be granted to any person who has not submitted, upon a blank furnished by the Superintendent of Public Instruction, a certificate from a physician legally qualified to practice medicine in this Commonwealth, setting forth that said applicant is neither mentally nor physically disqualified, by reason of tuberculosis or any other chronic or acute defect, from successful performance of the duties of a teacher; nor to any person who has not a good moral character, or who is in the habit of using opium or other narcotic drugs in any form, or any intoxicating drink as a beverage. Sec. 1320, Act of May 18, 1911, P. L. 309.

11. *Report to Medical Inspector of Defective Children.* It shall be the duty of the Secretary of the school board, teachers, and attendance officers, in every school district in this Commonwealth, in accordance with rules of procedure prescribed by the Superintendent of Public Instruction, to secure information and report to the medical inspector of the school district and to the district or county superintendent of schools, on or before the fifteenth day of October of each year, every child within said district, between the ages of eight (8) and sixteen (16) years, who is gravely retarded in his or her school work, or who, because of apparent exceptional physical or mental condition, is not being properly educated and trained, and as soon thereafter as possible, the medical inspector shall examine such child, in accordance with rules of procedure prescribed by the Secretary of Health, and report whether such child is a fit subject for special education and training. In school districts of the first, second, and third class, having a district superintendent of schools, said report shall be made to the superintendent of the district. In all other districts, the report shall be made to the Secretary of Health, and by him reported to the superintendent of schools of the county. The county or district superintendent of schools shall submit to the board or boards of school directors plans for establishing and maintaining special classes in the public schools or special public schools for the proper education and training of all such children reported to him as fit subjects for special education and training and it, shall be the duty of the board of directors of any district having such children to provide and maintain, or to jointly provide and maintain with neighboring district, such special classes or schools. Provided, however, That if it is not feasible to form a special class with a minimum attendance of ten children in any district, or if for any other reason it is not feasible to provide such education for any such child in the public schools of the district, the board of school directors of that district shall, if the parents or guardians of said child give written consent, secure such proper education and training outside the public schools of the district, or in special institutions, on terms and conditions not inconsistent with the terms of this act or of any other act then in force applicable to such children.

School district maintaining special classes in the public schools or special public schools or providing special education, as hereinbefore specified in this section, shall receive reimbursement, as hereinafter provided, so long as such classes, such schools, and such special education are approved by the State Board of Education

as to location, constitution and size of classes, conditions of admission and discharge of pupils, equipment, courses of study, methods of instruction, and qualification of teachers.

The State Superintendent of Public Instruction shall superintend the organization of such classes and shall enforce the provisions of this act.

On or before the first day of October of each year, the president and secretary of each board of school directors shall report to the proper county or district superintendent the amount expended by the district in the preceding school year for instruction in such classes or such schools or for such instruction outside the public schools of the district. On or before the first day of November of each year, the said county or district superintendent shall make to the Superintendent of Public Instruction, on blanks to be furnished by him, tabulated returns by districts of the amounts so expended for instruction in special classes or special schools within the school district or in the provision of special instruction outside the public schools of the district. There shall be paid to each district by order on the State Treasurer, signed by the Superintendent of Public Instruction, from funds to be appropriated by the Legislature for the purpose, an amount equal to one-half the total expense incurred by said district for instruction in such special classes and special public schools and in the provision of such special instruction outside the public schools of the district. Act of July 22, 1919, P. L. 1090.

12. *Medical Inspection.* Every school district of the first, second, or third class in this Commonwealth shall annually provide medical inspection of all the pupils of its public schools by proper medical inspectors, to be appointed by the board of school directors of the district *in sufficient number to conduct the required inspection in conformity with the standard requirements prescribed by the Secretary of Health for the medical inspection of schools in such district.* Such medical inspection shall be made in the presence of the parent or guardian of the pupil, when so requested by parent or guardian. All such medical inspectors shall be physicians legally qualified to practice medicine in this Commonwealth, who have had at least two years experience in the practice of their profession, and shall be paid such amounts as the board of schools directors may determine: Provided, That nothing in this act shall preclude the appointment of health officers of municipalities as medical inspectors in the school districts of this Commonwealth.

13. *Medical Inspection in Fourth Class Districts.* In every school district of the fourth class in this Commonwealth, the State Department of Health shall provide, in such manner as it may determine, medical inspection for all the pupils in the public schools by proper medical inspectors, to be appointed by the State Secretary of Health, at the expense of said department. All such medical inspectors shall be legally qualified physicians, who have had not less than two years' experience in the practice of their profession. Such medical inspection shall be made in the presence of the parent or guardian of the pupil, when so requested by parent or guardian.

14. *Report of Names of Inspectors.* In every school district which is required by this act to provide medical inspection for its public schools, *the secretary of the school board or the district superintendent of schools shall, on or before the first day of September of each year, report to the Secretary of Health the names of the medical inspectors or the name of the chief medical inspector, with the number of assistants or additional inspectors, appointed for the ensuing term, and if such medical inspection as is herein required is not furnished within thirty days after the beginning of the school term, the Secretary of Health shall, after two weeks' written notice to the board of school directors of such district, appoint a properly qualified medical inspector or inspectors for the district for the remainder of the school term, and shall fix the compensation for the same which shall be paid by the district.*

15. *Annual Inspection.* The medical inspectors shall, at least once each year, inspect and carefully test and examine all pupils in the public schools of their districts, giving special attention to defective sight, hearing, teeth, or other disabilities and defects specified by the Secretary of Health in his directions and requirements for medical inspection of schools, and shall make such additional inspections and examinations as shall be provided for in said directions or required by the Secretary of Health, the principal, or the district superintendent of schools. Each medical inspector shall make to the teacher or, if the board of school directors so directs, to the principal or district superintendent of schools, a written report concerning all pupils found to need medical or surgical attention, and giving careful directions concerning the care of each pupil who needs special care while in school. The teacher, principal, or district superintendent shall promptly send a copy of the medical inspector's report upon each child requiring treatment to the parents or guardian thereof, and shall keep the report concerning the pupils found to need medical or surgical attention until the last month of the school term, carrying out as carefully as possible the medical inspector's directions concerning the special care of pupils while in school, noting any corrections of defects reported; and, in fourth class school districts, shall return the report to the Secretary of Health; in first, second, and third class school districts, to the district superintendent of schools, or to the principal of schools, if no district superintendent, who shall make such reports to the Secretary of Health as he may require.

16. *Sanitary inspection.* The medical inspector shall, at least once each year, and as early in the school term as possible, make careful examination of all privies, water-closets, urinals, cellars, the water-supply, and drinking vessels and utensils, and shall make such additional examinations of the sanitary conditions of the school buildings and grounds as he deems necessary, or as the regulations of the State Department of Health, or the rules of the board of school directors or of the local board of health require. He shall see that the laws of the Commonwealth relating to the health and sanitation of the public schools and the requirements of the local board of health are complied with. Sec. 1506, Act of May 18, 1911, P. L. 309,

17. **Reports.** He shall promptly make such reports to the Secretary of Health as are required by him or by the regulations of his department, and such reports to the local boards of school directors as he deems necessary, or as are required by the Secretary of Health or by the board of school directors. He shall perform such other duties as may be required by the health and sanitation laws of this Commonwealth or by the board of school directors. Sec. 1507, Act of May 18, 1911, P. L. 309.

18. **School nurses.** Any board of school directors may employ one or more school nurses, who shall be graduates of reputable training schools for nurses, and shall define their duties. Sec. 1508, Act of May 18, 1911, P. L. 309.

19. **Persons suffering from tuberculosis to be excluded.** No person having tuberculosis of the lungs shall be a pupil, teacher, janitor, or other employe in any public school, unless it be a special school carried on under the regulations made for such schools by the Secretary of Health. Sec. 1509, Act of May 1911, P. L. 309.

20. **Certain pupils relieved from compulsory attendance.** Any pupil prevented from attending school on account of the health or sanitation laws of this Commonwealth, or by the sanitary regulations of the local board of health or the board of school directors, is hereby relieved from complying with the provisions of this act concerning compulsory attendance during such time as he is thereby prevented from attending school. Sec. 1510, Act of May 18, 1911, P. L. 309.

LIII. SEWAGE.

1. **Sanitary Water Board.**—Subject to any inconsistent provisions in this act contained, the Sanitary Water Board shall have the power, and its duty shall be:

(a) To exercise all the powers and perform all the duties vested in and imposed upon the Commissioner of Health, the Governor, and the Attorney General, or any of them, by sections four and five, and sections seven to eleven, inclusive, of the act, approved the twenty-second day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred and sixty), entitled "An act to preserve the purity of the waters of the State, for the protection of the public health," which reads as follows:

2. **Sewage.** No person, corporation, or municipality shall place, or permit to be placed, or discharge, or permit to flow into any of the waters of the State any sewage, except as hereinafter provided. But this act shall not apply to waters pumped or flowing from coal mines or tanneries, nor prevent the discharge of sewage from any public sewer system, owned and maintained by a municipality, provided such sewer system was in operation and was discharging sewage into any of the waters of the State at the time of the passage of this act. But this exception shall not permit the discharge of sewage from a sewer system which shall be extended subsequent to the passage of this act.

"For the purpose of this act, sewage shall be defined as any substance that contains any of the waste products, or excrementitious or other discharges from the bodies of human beings or animals.

3. *Application for Permit.* Upon application duly made to the Secretary of Health by the public authorities having by law the charge of the sewer system of any municipality, the Governor of the State, the Attorney General, and the Secretary of Health shall consider the case of such a sewer system, otherwise prohibited by this act from discharging sewage into any of the waters of the State, and, whenever it is their unanimous opinion that the general interests of the public health would be subserved thereby, the Secretary of Health may issue a permit for the discharge of sewage from any such sewer system into any of the waters of the State, and may stipulate in the permit the conditions on which such discharge may be permitted. Such permit, before being operative, shall be recorded in the office of the recorder of deeds for the county wherein the outlet of the said sewer system is located. Every such permit for the discharge of sewage from a sewer system shall be revocable, for subject to modification and change, by the Secretary of Health, on due notice, after an investigation and hearing, and an opportunity for all interested therein to be heard thereon, being served on the public authorities of the municipality owning, maintaining, or using the sewage system. The length of time, after receipt of the notice, within which the discharge of sewage shall be discontinued may be stated in the permit, but in no case shall it be less than one year or exceed two years, and if the length of time is not specified in the permit it shall be one year. On the expiration of the period of time prescribed, after the service of a notice of revocation, modification or change, from the Secretary of Health, the right to discharge sewage into any of the waters of the State shall cease and terminate; and the prohibition of this act against such discharge shall be in full force as though no permit had been granted, but a new permit may thereafter again be granted, as hereinbefore provided."

4. *Penalty.* The penalty for the discharge of sewage from any public sewer system into any of the waters of the State, without a duly issued permit, in any case in which a permit is required by this act, shall be five hundred dollars, and a further penalty of fifty dollars per day for each day the offense is maintained, recoverable by the Commonwealth, at the suit of the Secretary of Health, as debts of like amount are recoverable by law. The penalty for the discharge of sewage from any public sewer system into any of the waters of the State, without filing a report, in any case in which a report is required to be filed, shall be fifty dollars, recoverable by a like suit.

5. *Present Sewage Systems* individuals, private corporations, and companies that, at the time of the passage of this act, are discharging sewage into any of the waters of the State may continue to discharge such sewage, unless, in the opinion of the Secretary of Health, the discharge of such sewage may become injurious to the public health. If at any time the Secretary of Health considers

that the discharge of such sewage into any of the waters of the State may become injurious to the public health, he may order the discharge of such sewage discontinued.

6. *When Ordered to Discontinue.* Every individual private corporation, or company shall discontinue the discharge of sewage into any of the waters of the State, within ten days after having been so ordered by the Secretary of Health.

7. *Penalty.* Any individual, private corporation, or company that shall discharge sewage, or permit the same to flow, into the waters of the State, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be punished by a fine of twenty-five dollars for each offense, and a further fine of five dollars per day for each day the offense is maintained, or by imprisonment not exceeding one month, or both, at the discretion of the court.

8. *Appeal from Orders or Decisions.* Any order or decision, under this act, of the Secretary of Health, or that of the Governor, Attorney General and Secretary of Health, shall be subject to an appeal to any court of common pleas of the county wherein the outlet of such sewer or sewer system, otherwise prohibited by this act, is situated; and said court shall have power to hear said appeal, and may affirm or set aside said order or decision, or modify the same, or otherwise fix the terms upon which permission shall be granted. But the order or decision appealed from shall not be superseded by the appeal, but shall stand until the order of the court, as above."

Provided, That it shall require the affirmative votes of three of the members of the board to authorize the granting of a permit for discharging sewage into any of the waters of the State under section five of the said act;

(b) To exercise all other powers, not contrary to law, heretofore exercised by the Department of Health or the Secretary of Health with regard to granting permits for the erection of sewage disposal works or plants and the construction of sewers or sewer systems;

(c) To exercise all the powers, not contrary to law, heretofore exercised by the Department of Fisheries, the Commissioner of Fisheries, and the Water Supply Commission of Pennsylvania, with regard to the prevention of pollution of the waters of this Commonwealth;

(e) To make rules and regulations for the effective administration and enforcement of the laws of this Commonwealth prohibiting the pollution of the waters thereof.

(f) To study, investigate, and, from time to time, report ways and means of eliminating from the streams and waters of the Commonwealth, so far as practicable, all substances and materials which pollute or tend to pollute the same, and to determine and recommend methods of preventing pollution detrimental to the public health or to the health of animals, fish, or adequate life, or detrimental to the use of waters for recreational purposes. The board shall have the power to investigate the character of all waste discharged into, or deposited on the banks of, the streams or waters of the Commonwealth, and shall make similar investigations and recommendations with regard to the matter of preventing pollution of the waters of interstate streams which touch the boundaries of the Commonwealth;

(g) To call upon the Department of Health to make such inspections, conduct such investigations, and do such other acts as may be necessary and proper in the exercise of the powers and the performance of the duties of the board.

Note.—The Act of April 22, 1905, P. L. 263, is constitutional. *Com. vs. Emmers*, 33 Pa. Super Ct. 151 (1907).

A County may be enjoined from discharging sewage into the streams.

Com. ex. rel., Dixon, vs. County of Washington, Court of Common Pleas, Washington County, No. 2373, In Equity.

Individuals and corporations may be restrained from discharging sewage into the streams.

Com. vs. Kennedy and The Devon Sewage Co., 240 Pa., page 214.

The drainage of sewage into any flowing stream, whether public or private, is a public nuisance.

Com. vs. Kennedy, 240 Pa. page 214.

When public authorities desire to permit citizens to construct and operate a sewer system from which sewage is to be discharged into State waters, they must make application to the Commissioner of Health for a permit for such discharge of sewage into the State's waters and must be held responsible for the observance of any conditions set forth in the permit.

Opinion of the Attorney General, 40 Pa. C. C. 79.

Boroughs may be required to construct sewage disposal plants, and may be prohibited from making extensions or additional connections to existing sewer systems. *Com., ex. rel., John C. Bell vs. Borough of Mars*. Common Pleas Butler Co., In Equity, No. 4, March T., 1914, 41 Pa. C. C. 436.

Com. of Penn'a., ex. rel., John C. Bell vs. Borough of Tarentum. Common Pleas Allegheny County, In Equity, No. 168, January Term, 1913.

9. *Borough May Compel Property Owners to Connect with Adjoining Sewers.* Any borough may, by ordinance, require any owner of property, abutting on or adjoining any street or alley in which is a sewer, to make connections with such sewer in such manner as the borough may order, for the purpose of discharge of such drainage or waste matter as the borough may specify. The borough may by penalties enforce any regulations it may ordain with reference to any sewer connections.

The owner shall be given forty-five days' notice of any resolution or ordinance requiring such sewer connection, and, upon failure to make such connection, the borough may make the same, and collect the cost thereof from the owner by a municipal claim or in an action of assumpsit. All connections required shall be uniform. Chapter VI, Article XII, Sec. 31 and 32, Act May 14th, 1915, P. L. 312.

LIV. SEWAGE AND GARBAGE DISPOSAL—(Also see Garbage).

1. *Boroughs may acquire real estate.* No real estate shall be acquired, or contract for the construction of sewage-disposal works or plants, or sewer or drains extending thereto, be entered into, until a permit for location and construction shall have been obtained from the State Secretary of Health. See also Chap. VI. Art. XVIII, Act of 1915, P. L. 312.

2. *Act of Apr. 22, 1905 not affected by this act.* This act shall not be construed so as to repeal, or in any way affect the provisions of, an act, entitled "An act to preserve the purity of the waters of the State for the protection of the public health," approved the twenty-second day of April, one thousand nine hundred and five, or to in any way limit powers of the Department of Health with regard to the regulations of the discharge of sewage in the boroughs of this Commonwealth.

3. *Unlawful to discharge Sewage upon Public Highways.* That it shall and is hereby declared to be unlawful for any person or persons, association, partnership, or corporation to discharge on or within the legal limits of any public highway, sewage or drainage, except surface drainage.

Penalty. That any person or persons, association, partnership, or corporation, who shall discharge upon any public road sewage or drainage, except surface drainage, shall for every such offense be subject upon summary conviction to a fine or penalty of not less than five dollars (\$5.00) nor more than twenty-five dollars (\$25.00).

That all acts or parts of acts inconsistent herewith be and the same are hereby repealed. Act of May 7, 1925, P. L. 555.

LV. SEWERS. (Also see Cities of the Third Class).

1. *Townships of the First and Second Class may Establish A System of Sewers and Drainage.* Townships of the first or second class may enter into agreements with municipalities or other townships for the purpose of building sewers, including trunk-line sewers or drains and sewage-disposal plants. Such agreement shall provide for the joint maintenance of the same. Act of July 14, 1917—P. L. 840. Act of April 30, 1925, P. L. 389.

2. *Approval of State Department of Health.* No such sewer or plant shall be constructed until plans and specifications have been submitted to the State Department of Health and approved, in accordance with provisions of the Act of April twenty-second, one thousand nine hundred and five (page two hundred and sixty), entitled "An act to preserve the purity of the waters of the State for the protection of the public health." Chapt. XIV. Art. II, Act of March 31, 1917, P. L. 840.

3. *Counties may construct and maintain trunk sewers and disposal plants.* Be it enacted, &c., That the several counties of this Commonwealth shall have the power, and they are hereby authorized, whenever the commissioners, or a majority of them, shall, by resolution duly adopted, deem it expedient so to do,—and upon approval thereof by a grand jury and by the court of quarter sessions as hereinafter provided,—to construct and maintain main, or trunk, sanitary sewers, and sewerage-disposal plants, under the provisions of this act; and any such main, or trunk, sewers, or disposal plants, constructed under the provisions of this act, shall forever thereafter be county sewers and disposal plants; and the duty of maintaining, operating and keeping the same in repair shall devolve upon the county and the expense thereof shall be paid by the county as hereinafter provided. Act of June 5, 1915, P. L. 852.

4. *Plans to be submitted to State Department of Health.* After such plans and specifications have been prepared by said county commissioners, and before presentation thereof to the court or grand jury, as provided for in section three of this act, they shall be submitted to the State Department of Health; and approval by said

State Department of Health of the same shall be first had in accordance with the act of Assembly of April twenty-second, one thousand nine hundred and five, entitled "An act to preserve the purity of the waters of the State, for the protection of the public health." Sec. 4, Act of June 5, 1915, P. L. 852.

(c) JOINT SEWERS.

5. Boroughs may enter into agreements with municipalities or townships, for the purpose of building sewers, including trunk-line sewers or drains, and sewage-disposal plants. Such agreement shall provide for the joint maintenance of the same.

6. *Approval of State Department of Health.* No such sewer or plant shall be constructed until plans and specifications have been submitted to the State Department of Health and approved, in accordance with provisions of the Act of April twenty-second, one thousand nine hundred and five (page two hundred and sixty), entitled "An act to preserve the purity of the waters of the State for the protection of the public health." Chapt. VI. Art. XII, Sections 13 and 14, Act of May 14, 1915, P. L. 312.

7. *Sewers and Drains in Second-class Townships.* Subject to the provisions of Section 1158 hereof, townships of the second class may establish and construct a system of sewers and drainage, locating the same as far as practicable along and within the lines of the public roads of the townships as seem advisable to the board of supervisors. The supervisors may permit and, where necessary for the public health, require adjoining and adjacent property owners to connect with and use the same. All persons so connecting shall pay in addition to the cost of making such connection a monthly or annual rate prescribed by a resolution of the board of supervisors. Such monthly or annual rate shall constitute a lien, until paid, against the property so connecting with such system and the amount thereof may be recovered by due process of law.

Nothing in this section shall be construed to repeal or modify any of the provisions of the Public Service Company Law.

8. May be located on private grounds. Where it is reasonably impracticable in the judgment of the supervisors in any part of such system to carry such sewers or drains along the lines of public roads, they may locate and construct so much of the same as is necessary through private lands.

9. *Supervisors to Provide for Disposition of Sewage.* The supervisors shall make the necessary provision for the disposition of the sewage and drainage within or for carrying the same beyond, the limits of the township, and to this end they are hereby authorized to enter into contracts with other municipalities and other corporations or persons and to purchase, acquire, enter upon, take, appropriate, occupy and use such lands, rights, and interests therein within the corporate limits of other townships or boroughs as shall be necessary for the proper location, construction, maintenance, use, and operation of sewer main, drains, or disposal plants, including such lands, rights, and interests therein as shall be necessary for future additions to and enlargements of such sewerage facilities, and as may be necessary to carry out the plans and specifications upon which a permit has been issued by the Secre-

tary of Health in accordance with the provisions of the act of April twenty-second, one thousand nine hundred and five, entitled "An act to preserve the purity of the waters of the State for the protection of public health" and of "The Administrative Code."

10. Damages incident to the taking of private property. In the event of inability to agree with the owners, either for the land necessary for so much of the line of sewers and drains as are not located upon public roads, or for so much land as is required for the disposition of the sewage, the supervisors may enter upon said land and mark thereon the route and width necessary for the construction of the line of sewers or drains or the boundaries of so much land as is necessary for disposition of such sewage, and occupy the said land for such purposes. For all damage done or suffered or which accrues to the owner or owners of such land by reason of the taking of the same the funds of the township raised by taxation shall be pledged and deemed as security; such damages to be determined by viewers in the same manner as like damages are determined in townships of the first class under the provisions of sections one thousand seventy-four, one thousand and seventy-five, one thousand seventy-six, and one thousand and seventy-seven of the act to which this is an amendment.

11. Collection of damages. The damages as awarded when the report is finally confirmed shall be entered as a judgment, and if the same is not paid within thirty days after the entry thereof, execution to enforce the collection thereof may be issued as in other cases of judgment against townships.

12. Cost of Construction. The cost of construction of any system of sewers or drains constructed by the authority of section one thousand one hundred forty-two of this act shall be charged upon the properties accommodated or benefited thereby to the extent of such benefits.

13. Sewer Districts. Whenever a sewer system is constructed by a township of the second class for the accommodation of a certain portion only of the township, the supervisors of such township may constitute the territory accommodated into a sewer district or divide it into several sewer districts. In every such case of division into several districts the supervisors shall make an estimate of the proportion of the cost of the sewer system which should equitably be charged on each of said districts, and declare and establish such apportionment by resolution. No district shall be charged with more than its due proportion of the cost of the main sewers, pumping-stations, et cetera, used jointly by more than one district; the aggregate amount charged on property in any such district shall not exceed the amount of such estimate, subject to the provisions of section eleven hundred and fifty of this act. Where the whole of the township is accommodated by the system it may also be treated as a single district, or divided into districts and be subject to the foregoing provisions.

Any amount not legally chargeable upon properties benefited shall be paid out of the general township fund.

14. Method of Assessing Damages. The charge for any such sewer construction in any township of the second class shall be

assessed upon the properties accommodated or benefited, in either of the following methods:

(a) By an assessment, pursuant to a resolution of the board of supervisors, of each lot or piece of land in proportion to its frontage abutting on the sewer, allowing such reduction in the case of properties abutting on more than one sewer as the resolution may specify. No assessment by frontage shall be made on properties of such a character as not to be lawfully subject to such manner of assessment, and each abutting property shall be assessed with not less than the whole amount of the benefit accruing to it and legally assessable.

(b) By an assessment upon the several properties abutting on the sewer in proportion to benefits. The amount of the charge on each property shall be ascertained as provided in section eleven hundred and fifty of this act.

When a township is divided into sewer districts the assessment in each district may be by different methods.

15. Procedure for Assessing Benefits. In all cases where the board of supervisors shall select the method provided by subdivision (b) of the foregoing section, they shall petition the court of common pleas for appointment of viewers to assess benefits. In all cases where they shall neglect, for a period of three months after the completion of the sewer system, to either ordain assessments by frontage or present petition for appointment of viewers, taxpayers of the township whose property valuation as assessed for taxable purposes within the township shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township, may present a petition to the court of common pleas of the proper county for the appointment of viewer to assess benefits, and in all cases where such taxpayers shall, within three months of the adoption of a resolution levying an assessment under the method provided by subsection (a) of said section eleven hundred and forty-nine, by petition state to said court that such assessment insufficiently represents the benefits accruing to abutting properties, they may include in such petition a prayer for the appointment of viewers to assess benefits. In either case the court shall thereupon appoint three disinterested persons from the board of county viewers, neither of whom shall be a resident of that portion of the township which is accommodated by the sewer in question. The viewers or a majority of them, having been sworn or affirmed to perform their duties with fidelity and impartiality, shall assess upon each piece of land, abutting upon the line of said sewer system which in their opinion is benefited by its construction, such amount as represents the benefit accruing to such lot. In no case shall the viewers, in assessing benefits to private property through which any sewer runs, take into consideration any damages which such property has sustained, but all such damages shall be assessed in the manner provided in sections ten hundred and seventy-four to ten hundred and seventy-seven inclusive of the act to which this is an amendment. The aggregate of the assessments in any sewer district shall not exceed the amount charged to such district for its share of the cost of the sewer construction unless the same shall, by petition of taxpayers, whose property valuation as afore-

said shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township, presented within three months after the adoption a resolution providing for an assessment by frontage, be stated to insufficiently represent the amount of benefits to such properties, in which case the proceedings by taxpayers authorized above shall be applicable. Upon the filing of such a petition by taxpayers as aforesaid for appointment of viewers, any assessment made by the supervisors and any proceedings thereunder shall be null and void.

The viewers shall file a report of their proceedings in the same manner as provided in section ten hundred and eighty-three of the act to which this is an amendment, and all the provisions of said section shall be followed relative to such report.

16. *Municipal Liens.* After the amount of the assessment charged upon the several properties has been established, either by resolution making assessments according to frontage, or by confirmation of any report of viewers, in whole or in part, it shall be the duty of the township supervisors to file municipal liens for the assessments covered by such resolution or confirmation within the time and in the manner provided by law; the same to be subject in all respects to the general law providing for the filing and recovery upon municipal liens. The amounts of all assessments shall be payable to the township treasurer for the use of the township. The supervisors shall also make out bills for the amounts charged against each property, which shall be forthwith sent to all property owners residing in the township, and mailed to all such owners residing elsewhere whose address is known.

The costs of publication of notices in proceedings before viewers shall be paid by the township upon presentation of bills approved by the court.

17. *Contracts for Construction.* In any case where, under the authority of section eleven hundred and forty-two of this act, a system of sewage and drainage covering any township of the second class in whole or in part shall have been approved and authorized by resolution, the supervisors may enter into a contract with any responsible individual or individuals or corporation for the construction of such system of sewage or drainage at the expense of such individual or individuals or corporation. He, they, or it shall be entitled under such contract to exercise all the powers of the township in the construction, maintenance, and operation of such system of sewage or drainage, with the right to collect such charges in connection therewith as the supervisors prescribe in as full manner as the same might have been collected by the township or the supervisors. In such contract the supervisors shall reserve to the township the right at any time or after a prescribed time to itself take possession of such system of sewage and drainage and its appurtenances at a price and upon terms to be fixed in the contract.

Nothing in this section shall be construed to repeal or modify any of the provisions of the Public Service Company Law.

18. *Sewers and Drains in Streets or Alleys or over private property.* Subject to the provisions of section 1158 hereof, townships of the second class may construct sewers and drains in any street or alley or through or on or over private property. The costs, damages, and expenses of the construction of any such sewers or drains shall be assessed upon the properties accommodated or benefited, in either of the following methods:

(a) By an assessment, pursuant to a resolution of the township board of supervisors, of each lot or piece of land in proportion to its frontage abutting on the sewer, allowing such reduction in the case of properties abutting on more than one sewer as the resolution may specify. No assessment by frontage shall be made on properties of such a character as not to be lawfully subject to such manner of assessment, and each abutting property shall be assessed with not less than its proportion aforesaid of the entire cost and expense of such construction.

(b) By an assessment upon the several properties abutting on the sewer in proportion to benefits; the amount of the charge on which property shall be ascertained and the rights of taxpayers are conferred, as in townships of the first class, under the provisions of sections five hundred and fifty-three to five hundred and sixty-five both inclusive of the act to which this is an amendment.

(d) *Sewers Under State and County Highways.*

19. *Consent of County Commissioners and Secretary of Highways* to be obtained. Townships of the second class may construct sewers and drains in and under any county or State Highway or State-aid Highway within the township boundaries. In case of the construction of sewers upon county highways the consent of the county commissioners of the county shall first be obtained, and in case of the construction of sewers upon any State Highway or State-aid Highway the consent of the Secretary of Highways shall first be obtained.

20. *Cost to be collected from Abutting Property Owners.* Whenever sewers have been or shall be laid or constructed by any second class township in and under such highways, such township may ascertain, levy, and collect the costs and expenses of the construction thereof from the abutting property holders in the same manner as in first class townships, under the provisions of sections five hundred and fifty-three to five hundred and sixty-four of this act.

21. *Connecting with Sewer of Adjoining Municipality.* Any township of the second class may connect with an existing sewer owned by any adjacent municipality, for sewage purposes, in the following manner:

An application shall be made by the board of supervisors to the court of quarter sessions setting forth that fact. If the court shall be of the opinion that such connection can be made without impairing the usefulness of the existing sewer, it shall appoint three viewers who shall view the premises, and investigate the facts of the case,

and shall assess the proportionate part of the expense of building the original sewer upon such township of the second class, and shall fix the proportion of the expense for repairs which the municipality and the township of the second class shall thereafter bear, and determine all other questions liable to arise in connection therewith.

22. *Viewers shall Report to Court. The viewers shall report to the court the result of their investigation, which report shall be confirmed within thirty days unless exceptions thereto are filed. After confirmation of such report or the disposal of any exceptions any party interested may appeal from the decision of the court of quarter sessions to the Superior Court.*

23. *Resolution of Board of Advisors Necessary to Authorize Construction. No sewer system of sewers or drain shall be constructed under the provisions hereof unless a resolution of the board of supervisors authorizing the same shall be published in a newspaper of general circulation published in the county in which the township is situated, once a week for three successive weeks. If, within twenty days after the last publication or at any time during the period of publication, taxpayers of the township whose property valuation is assessed for taxable purposes within the township, shall amount to fifty per centum of the total property valuation as assessed for taxable purposes within the township, shall sign and file in the office of the prothonotary of the court of common pleas of the county in which the township is located a written protest against the construction of such sewer, sewer system, or drain, then the construction authorized by such resolution shall not be undertaken or proceeded with.*

24. *Acquisition of Sewer System. Any township of the second class in which any person, firm, or corporation is maintaining sewers and culverts with the necessary inlet and appliances for surface and under-surface and sewage drainage, may become the owner of such sewers, culverts, inlet, and appliances, by paying therefor the actual value of the same at the time of the taking by the township.*

In case the supervisors of the township cannot agree with the owners of such sewers as to the price to be paid therefor, the supervisors may enter upon and take possession of such sewers, culverts, inlets, and appliances. For all damage done or suffered or which accrues to the owner or owners of such sewer by reason of the taking of the same, the funds of the township raised by taxation shall be pledged and deemed as security; such damages to be determined by viewers in the same manner as damages for the construction of sewers are determined in townships of the first class under the provisions of sections one hundred and seventy-four to one hundred and seventy-seven inclusive of the act to which this is an amendment. If any sewer or sewer system is acquired by purchase under the provisions of this section, the cost of such acquisition may be distributed or assessed in the same manner as if such sewer or sewer system had been constructed by such township under the provisions of this act, Act of April 30, 1925, P. L. 389.

LVI. SPITTING.

1. *Spitting on public walks, floors, etc., unlawful.* Be it enacted, &c., That from and after the passage of this act, it shall be unlawful for any person to spit on any public walk, public wharf or landing, or on the floor, platform, stairway, or elevator, or covering used thereon, of any railroad or railway station, or other building to which the public has access; or on the floor or platform or steps, or any covering used thereon, of any railroad or railway car, or other vehicle, conveyance, or common carriers, used for transportation of the public. Sec. 1, Act of May 11, 1909, P. L. 516.

2. *Warning signs to be posted, Receptacles to be cleansed.* It shall be the duty of owners of all such buildings, cars, or other vehicles, conveyances, or common carriers, used for transportation of the public in this Commonwealth, or the officers in control thereof, to post and keep posted, in prominent places, conspicuously lettered signs warning the public against violating the provisions of this act, and calling attention to the penalty for such violation. Where spitting receptacles are provided for the convenience of the public, in buildings, and cars and other vehicles, that are open and in use daily by the public, such receptacles shall be cleansed and disinfected daily; and in buildings, cars, and other vehicles, that are not open or used daily, the said receptacles shall be cleansed and disinfected immediately after each day that such buildings, cars and other vehicles are used by the public. Sec. 2, Act of May 11, 1909, P. L. 516.

3. *Penalty for unlawful spitting.* Any person violating the provisions of section one of this act, shall, upon conviction thereof in a summary proceeding before a justice of the peace, alderman, or magistrate of the county wherein such offense is committed, be sentenced to pay a fine of one dollar and costs; such fine to be paid into the treasury of the municipality in which the violation is committed; or, if committed upon a train or car, into the treasury of the municipality or township in which the offender is tried and convicted. In default of payment of such fine and costs, the offender shall be sentenced to be confined in the proper county jail for a period of not less than one day, nor more than five days. Sec. 3, Act of May 11, 1909, P. L. 516.

4. *Penalty for failure to post signs, etc.* Any person or persons, firm or corporation, violating the provisions of section two of this act, shall, upon conviction thereof in a summary proceeding before a justice of the peace, alderman, or magistrate of the county wherein such offense is committed, be subject to a fine of not less than five dollars, nor more than fifty dollars. Sec. 4, Act of May 11, 1909, P. L. 516.

5. *Constables to arrest.* Any constable, or other person authorized by law to make arrests, is hereby empowered to arrest persons violating the provisions of section one of this act on trains or cars in motion or in transit, and to take such offenders before the nearest justice of the peace, alderman, or magistrate, either at the place where the offense is committed or at the next regular stopping place of the train or car; and such justices of the peace, alderman, and magistrates are hereby given jurisdiction in such cases. Sec. 5, Act of May 11, 1909, P. L. 516.

LVII. STATE BOARD OF HEALTH.

Note:—By Section 14, Act of April 27, 1905, P. L. 312, powers and duties theretofore imposed by law on the State Board of Health, are conferred upon the Secretary of Health.

1. *Duties of board.* The State Board of Health and Vital Statistics shall have the general supervision of the health and lives of the citizens of the Commonwealth, and shall especially study its vital statistics. It shall make sanitary investigations and inquiries respecting the causes of diseases and especially of epidemic diseases, including those of domestic animals, the sources, mortality and the effects of localities, employment, conditions, habits, food, beverages and medicines on the health of the people. It shall also disseminate information upon these and similar subjects among the people. It shall, when required by the Governor or the Legislature, and at such other times as it deems important, institute sanitary inspections of public institutions or places throughout the State. It shall codify and suggest amendments to the sanitary laws of the Commonwealth, and shall have power to enforce such regulations as will tend to limit the progress of epidemic diseases. Sec. 5, Act of June 3, 1885, P. L. 56.

2. *To abate nuisances and enforce quarantine regulations.* In cities, boroughs, districts and places having no local board of health, or in case the sanitary laws or regulations in places where boards of health or health officers exist, should be inoperative, the State Board of Health shall have power and authority to order nuisances or the cause of any special disease or mortality to be abated and removed, and to enforce quarantine regulations as said board shall direct.

Any person who shall fail to obey or shall violate such order shall, on conviction, be sentenced to pay a fine of not more than one hundred dollars at the discretion of the court. Sec. 6, Act of June 3, 1885, P. L. 56.

3. *Copies of reports, etc., to be sent to State Board of Health.* It shall be the duty of all health officers and boards of health in the State to communicate to the State Board of Health, copies of all their reports and publications, and also such sanitary information as may be required by said board. And said board is authorized to require reports and information (at such times and of such facts and generally of such nature and extent as its by-laws or rules may provide), from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools and from the managers, principals and officers thereof, and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees, and occupants of all places of public resort in the State, but such reports shall only be required concerning matters or particulars in respect of which it may in its opinion need information for the proper discharge of its duties. Sec. 8. Act of June 3d 1885, P. L. 56.

4. *Examination of water supply in cities of the first class.* Be it enacted, &c., That the State Board of Health shall be and is hereby authorized to examine the water supplied to cities of the first class

in this Commonwealth for domestic uses, for the purpose of ascertaining whether said water is free from contamination by human excrement. Sec. 1, Act of May 2d, 1899, P. L. 176.

5. *To adopt measures for the abatement of pollutions.* Should it be ascertained by said examination that the water supplied, as aforesaid, is so contaminated, the said Board is hereby authorized and directed to make such investigation as will ascertain the cause thereof, and whether the water is so polluted and to this end may, by its duly accredited officers or agents, enter upon any property where the cause of and pollution is believed to exist, provided a warrant for said purpose shall first have been obtained from a magistrate or justice of the peace of the county wherein said property is situated, upon an affidavit of an officer or agent of the said board that there is information or belief of said pollution. And if it shall be found that said pollution is due to the fault or neglect of any person or corporation owning or occupying said property, to thereupon adopt such measures for the removal or abatement of said causes so that the water supplied, as aforesaid, may be made free from contamination of said excrement. Sec. 2, Act of May 2d, 1899, P. L. 176.

6. *Notice to property owners, Expense of abatement.* In order to carry out the provisions of the foregoing section, the said board is hereby authorized and directed to notify, or cause to be notified, every person or corporation upon whose property or in connection with whose business said contamination exists or has its origin, which is found by said board to pollute the water supplied, as aforesaid, and is thereby a nuisance, to remove or abate the same within a reasonable time, to be stated in said notice, the said nuisance shall be abated by the local board of health, if there be one, under the direction of the said State Board, immediately upon the expiration of the time fixed by said notice. If, however, the local board should neglect or refuse to act with due diligence, or if no such local board should exist, then the said State Board shall cause said nuisance to be abated. All expenses incidental to the abatement of said nuisance shall be charged against the owner or owners of the premises whereon such nuisances exists, and a lien may be filed for the work done and materials furnished against said premises. In case of any legal proceedings under this act, the costs shall be ascertained and the liability therefor determined by and made part of the judgment or decree of the court in each case. Sec. 3, Act of May 2d, 1899, P. L. 176.

7. *Abatement by petition to court of common pleas.* If, however, the cause of contamination by human excrement is incidental to the conduct of some legitimate business, or of a municipality, and does not amount to a common nuisance, the said board shall cause a petition to be presented to the court of common pleas of the county in which the said business is carried on, or the municipality is situated, asking for the abatement of the matter complained of, which petition shall set forth fully the causes for such action; and thereupon a citation shall issue to the party or parties complained of, directing them to show cause why the matter complained of should not be abated. The party or parties thus complained of shall file an answer

within ten days after the service of the said citation. The matter shall then be proceeded with and heard before the said court of common pleas, in the same manner as injunction proceedings are now conducted, and after a full hearing of the parties and witnesses the court shall make such order as the circumstances demand. Sec. 4, Act of May 2d, 1890, P. L. 176.

LVIII. SUMMARY CONVICTIONS—(Also see Quarantine; Spitting; Public Eating Places).

1. *Appeal in cases of summary conviction and judgments in suits for penalites.* In all cases of summary conviction before said magistrates, either party may appeal to the court of quarter sessions of said county, upon the allowance of any judge thereof upon cause shown, and either party may also appeal from the judgment of said magistrates, in a suit for a penalty to the courts of common pleas of said county, upon the allowance of any of the judges thereof upon cause shown: Provided, however, That this enactment shall not affect any right of appeal under existing laws. Sec. 13, Act of February 5, 1875, P. L. 56.

2. *Defendants may appeal after giving bond.* That in all cases of summary conviction in this Commonwealth, before a magistrate or court not of record, the defendant may, within five days after such conviction, appeal to the court of quarter sessions of the county in which such magistrate shall reside or court not of record shall be held, upon entering into good and sufficient recognizance, with one or more sureties, to answer said complaint, or a charge of misdemeanor, before said court; and either party may also appeal from the judgment of a magistrate or a court not of record, in a suit for a penalty, to the court of common pleas of the county in which said judgment shall be rendered, upon allowance of said court, or any judge therefor, upon cause shown: Provided, That all appeals from judgments for penalties shall be upon such terms, as the payment of costs and entering bail, as the court or judge allowing the appeal shall direct. Sec. 1, Act of April 22, 1905, P. L. 284.

LIX. TOILET ROOMS.

1. *In Foundries.* That every person, firm, or corporation, being the owner or lessee of any foundry for the casting of iron, steel, brass, or other metal, or any rolling mill, boiling mill, heating mill or finishing mill, wherein ten or more men shall be employed, shall cause to be established and maintained, in a place conveniently accessible and connected with said foundry, rolling mill, boiling mill, heating mill, or finishing mill, in such a manner that access thereto can be had without exposure to the open air, a toilet-room of suitable size, wherein said employes may change their clothes. Such toilet-room shall be provided with wash-bowls, sinks or other suitable appliances, duly connected and supplied with running hot and cold water. There shall also be established and maintained,

separate from said toilet-room, a suitable water-closet. It shall be the duty of the factory inspector or his duly authorized agent to enforce the provisions of this act. For that purpose the factory inspector or his duly authorized agent may enter, at any reasonable time, any foundry, rolling mill, boiling mill, heating mill, or finishing mill, for the purpose of inspecting the same to ascertain whether the provisions of this act have been complied with. Act of 1919, P. L. 307.

2. *To be Connected with Foundry Building.* The said toilet-room and the said water-closet shall be connected with the foundry, rolling mill, boiling mill, heating mill, or finishing mill building, in such a way that access thereto may be had without exposure to the open air, and shall be properly heated, ventilated, cleaned, and protected, so far as reasonably practicable, from the dust of such building. Act of 1919, P. L. 307.

3. *Penalty.* Any person, firm or corporation who or which shall violate any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof before any magistrate, alderman, or justice of the peace, shall be sentenced to a fine not exceeding one hundred dollars. Sec. 3, Act of June 7, 1911, P. L. 673.

4. *Comfort and Waiting Stations.* To construct and maintain in any of the highways within the borough limits, comfort and waiting stations and drinking fountains. The damages accruing to abutting properties by reason of any such improvements shall be ascertained and collected in the manner provided in chapter six, article two of this act. Act of May 14, 1915, P. L. 312.

LX. TOWNSHIPS OF THE FIRST CLASS—(Also see Boards of Health; Secretary of Health; Garbage; Sewers; Water Supplies).

1. The corporate power of the township of the first class shall be vested in the board of township commissioners. The board shall have power:—

2. To make regulations respecting pig-pens, slaughter-houses, manure-pits, drains, cesspools, and manufactories that are offensive, to abate nuisances prejudicial to public health and public safety, and to collect the cost of such abatement from the person responsible.

3. To prohibit or regulate the running at large of animals.

4. To provide, by contract or otherwise, for the collection and removal of ashes and garbage. Act of 1917, P. L. 840.

LXI. TUBERCULOSIS—(Also see Quarantine; Schools).

1. *Sanatoria to be established by the Department of Health.* Be it enacted, &c., That one or more sanatoria or colonies be established in the State, for the reception and treatment of indigent persons affected with incipient tuberculosis, and those so far advanced with the same diseases, that may be made comfortable, and removed from their families and the people at large to prevent the spread of the contagion.

For these purposes the Department of Health, with the approval of the Governor, shall be authorized to acquire property, erect buildings, equip the same, and do all things necessary to accomplish such work, for the best interests of the people of this Commonwealth, in curing and preventing tuberculosis. Sec. 1, Act of May 14, 1907, P. L. 197.

2. *Forestry reservations may be used.* Be it further enacted, That should the Department of Health and the Governor select one or two tracts of land, of not over five hundred acres each, within the boundaries of the State forestry reservations, that said land be set aside for such purposes. Sec. 2, Act of May 14, 1907, P. L. 197.

3. *County commissioners may support indigent persons in a sanatorium established in the county by an incorporated society.* Be it enacted, &c., That whenever there shall have been established in any county of this Commonwealth a duly incorporated society, chartered to maintain a sanatorium for the treatment therein of persons suffering from tuberculosis, it shall be lawful for the commissioners of such county, and they are hereby authorized and empowered, to appropriate out of the funds of such county, to such society, so much money as may be necessary for the maintenance of indigent persons, residents of the county, who may be inmates of such sanatorium and under treatment for tuberculosis. Sec. 1, Act of June 1, 1911, P. L. 623.

4. *Not to exceed ten dollars per week a patient.* That such appropriation shall not exceed for each of such indigent inmates the sum of ten dollars per week, payable every three months, at the end of the period. Sec. 2, Act of June 1, 1911, P. L. 623.

5. *Commissioners to have free access to sanatoria.* That the commissioners of each county at all times shall have free access to such sanatoria, for inspection of its management and for the ascertainment of the number of indigent persons receiving treatment therein. Sec. 3, Act of June 1, 1911, P. L. 623.

6. *County commissioners may support indigent persons in a sanatorium established in the poor district, erected and equipped under plans approved by the Department of Health.* Be it enacted, &c., That whenever there shall have been established, in any poor district of any county of this Commonwealth, a hospital or sanatorium for the treatment therein of indigent persons suffering from tuberculosis, which said hospital or sanatorium has been erected and equipped in accordance with plans and specifications approved by the Department of Health of the State of Pennsylvania, it shall be lawful for the commissioners of such county, and they are hereby authorized and empowered, to appropriate, out of the funds of such county, to such poor district, so much money as may be necessary for the maintenance of indigent persons, residents of the county, who may be inmates of such hospital or sanatorium and under treatment for tuberculosis. Sec. 1, Act of April 28, 1915, P. L. 193.

7. *Not to exceed ten dollars per week a patient.* That such appropriation shall not exceed for each such indigent inmates, the sum of ten (\$10) dollars per week, payable every three months, at the end of the period. Sec. 2, Act of April 28, 1915, P. L. 193.

8. *Commissioners to have free access to Sanatoria.* That the commissioners of each county at all times shall have free access to such hospital or sanatoria, for inspection of its management and for ascertainment of the number of indigent persons receiving treatment therein. Sec. 3, Act of April 28, 1915, P. L. 193.

9. *County Tuberculosis Hospitals.* That whenever one hundred or more citizens, residents of a county, petition the county commissioners for the establishment of a county hospital for the treatment of persons afflicted with tuberculosis, the county commissioners shall, at the next general or municipal election, submit to the voters of the county the question whether or not the county shall establish such a hospital. Such question shall be printed at the foot of the ballot, and shall be in the form provided by the general laws for the submission of such question. The vote on such question shall be counted, returned, and computed in the manner prescribed by the general election laws of the Commonwealth.

10. *County Commissioners shall Acquire Site.* If a majority of the electors voting upon such question at such election shall vote in favor of the establishment of such a hospital, the county commissioners shall acquire a site for such hospital either by purchase or condemnation; in case such site shall be acquired by condemnation, the procedure for the assessment of damages for the property taken shall be the same as is now provided by law for the acquisition of land under the power of eminent domain by any school district for school purposes; the power to acquire such a site for a hospital by eminent domain is hereby vested in the county,—the same being exercised through the county commissioners to the same extent and in the same manner that the power of eminent domain is exercised through school directors in the acquisition of property for school purposes.

11. *Advisory Board.* If a majority of the electors voting upon such question at such election shall be in favor of the establishment of a hospital, the court of common pleas of the county shall immediately appoint an advisory board of five members, all of whom shall be electors of the county and one of whom shall be a licensed physician. The members of said board shall be appointed, one for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year, or until their successors are appointed and have qualified. All appointments at the expiration of any term shall be for a term of five years.

The board shall meet monthly and at such other times as it may be deemed necessary. The board shall visit and inspect and keep in close touch with the management and operation of said hospital, and shall from time to time make such recommendations and suggestions to the county commissioners for changes or improvements in said management and operation as may be deemed advisable. It shall also make an annual report to the county commissioners concerning the management and operation of said hospital.

The county commissioners shall, at the expense of the county, provide a meeting place for said board and furnish all supplies and materials necessary to carry on its work.

The members of the board shall not receive any compensation for their services, but shall be allowed all actual and necessary expenses incurred in the discharge of their duties, which shall be paid by the county.

12. *Plans and Specifications.* If a majority of the electors voting upon such question at such election shall be in favor of the establishment of the hospital, the county commissioners shall, after consultation with the advisory board, select a site for such hospital, and shall have plans and specifications prepared for such hospital, but no such hospital shall be erected until such plans and specifications and the site therefor have been first approved by the Secretary of Health and the county controller, if there be a controller in said county.

13. *Contract for Erection.* Any such hospital shall be constructed by contract or contracts let by the county commissioners to the lowest responsible and best bidder, after due advertisement in at least three newspapers, one of which shall be published in the county once a week for four consecutive weeks; and when so constructed the hospital shall be equipped by the county commissioners, at the cost of the county, in the same manner as other county buildings are equipped.

14. *Employment of a Superintendent.* The county commissioners may, after consultation with the advisory board, employ a superintendent and such physicians, nurses, and other employes as may be necessary to properly conduct and manage such hospitals, and shall fix their compensation, except in counties having a salary board, which shall consist of the county commissioners and the county controller. All such salaries shall be paid from the county treasury in the usual manner.

15. *Rules and Regulations for Management.* The county commissioners shall have power, after consulting with the advisory board, to make general rules and regulations for the management of the hospital, and shall have power to do all acts deemed necessary to promote the usefulness of the hospital in the prevention of tuberculosis.

16. *For Benefit of all Inhabitants Afflicted with Tuberculosis.* Every hospital established under the provisions of this act shall be used for the benefit of all inhabitants afflicted with tuberculosis, resident within the county in which the hospital is located, and all such persons shall be entitled to occupancy, nursing, care, treatment, and maintenance, according to the rules and regulations prescribed by the county commissioners. The county commissioners may exclude from the use of the hospital any person who wilfully violates any rule or regulations adopted for the hospital by said county commissioners. The county commissioners may charge and collect, from persons admitted to the hospital, or persons legally responsible for their maintenance, reasonable compensation for the care, treatment, and maintenance of such persons, but free treatment shall be given to all such persons who are, after reasonable investigation, found to be unable to pay.

17. *Admission of Patients.* The county commissioners may admit patients to said hospital who are resident within any other county of the Commonwealth, provided such other county agrees

to reimburse the county in which the hospital is located for all charges in connection with the admission, maintenance, care, and treatment of such patients. Authority is hereby conferred upon all counties in the State to pay to any other county in which such hospital is located reasonable charges for patients cared for by said hospital, resident in the county paying such charges. All money received from the care and maintenance of patients, or from gifts or donations, shall be paid into the county treasury, and shall be used only for the maintenance of such hospitals. County commissioners are authorized and empowered to receive contributions, donations, property, and trust funds for the erection and maintenance of hospitals as provided in this act.

18. *Reports of Advisory Board.* The advisory board herein provided for shall, by December thirty-first of each year, furnish to the county commissioners and the county controller, if any, a schedule of expenses deemed necessary for the maintenance and operation of the hospital for the ensuing year, and the county commissioners shall, after considering the schedule submitted by the advisory board, annually make appropriations deemed by them sufficient to properly manage and operate said hospital. The county commissioners shall levy a special tax sufficient to produce the moneys appropriated to said hospital, which tax shall be collected in the same manner as other county taxes and shall be paid into the county treasury. All payments from the county treasury shall be made by warrant of the county commissioners, countersigned by the county controller, if any, in the usual manner.

19. *County Commissioners May Increase Indebtedness.* The county Commissioners of every county establishing a hospital as provided for in this act may incur or increase the indebtedness of the county, in the manner now provided by law, to an amount sufficient to pay the cost of acquiring a site and of erecting, constructing, and equipping the said hospital, by issuing coupon bonds at a rate of interest not exceeding six per centum and payable within thirty years from the date of issue. The county commissioners shall levy an annual tax in an amount necessary to pay interest and sinking fund charges upon such bonds.

20. *Proceedings under the Act of 1921 Validated.* All proceedings heretofore had or instituted, all elections heretofore held, all purchases of land, all proceedings for the acquisition of land by the right of eminent domain, all moneys expended, and all bonds or other securities issued under the provisions of the act, approved the twentieth day of May, one thousand nine hundred and twenty-one Pamphlet Laws, nine hundred and forty-four), entitled "An act authorizing the establishment by counties of hospitals for the treatment of persons afflicted with tuberculosis; providing for the management and maintenance thereof; and authorizing the incurring of indebtedness and the levy of taxes therefor," and its amendments and supplements, by any county or by any board of trustees in behalf of any county, are hereby ratified, confirmed, validated, and made legal, and in any county where any such hospital has been or is now being erected, or where proceedings have been instituted under the provisions of said act, such proceedings and hospital may be completed, and the said hospital may thereafter be managed and operated in accordance with the provisions of this act.

21. *Provisions of this Act are Severable.* The provisions of this act are severable, and if any of its provisions are held unconstitutional, the decision shall not affect the remaining provisions of this act. It is hereby declared as a legislative intent that this law would have been enacted had such unconstitutional provisions not been included therein.

22. *Repeal.* That the act, approved the twentieth day of May, one thousand nine hundred and twenty-one (Pamphlet Laws, nine hundred and forty-four), entitled "An act authorizing the establishment by counties of hospitals for the treatment of persons afflicted with tuberculosis; providing for the management and maintenance thereof; and authorizing the incurring of indebtedness and the levy of taxes therefor," and its amendments and supplements, and all laws or parts of laws inconsistent herewith, are hereby repealed. Act of March 23, 1925, P. L. 65.

23. *Hospital for Crippled Children.* That a State institution is hereby established to be known as the State Hospital for Crippled Children for the care and *vocational training and treatment* of indigent children, who are afflicted with surgical tuberculosis and allied conditions.

24. *Control of Said Hospital.* For this purpose the Department of Health, with the approval of the Governor, is hereby authorized to acquire property, erect buildings, equip the same and do all things necessary to accomplish such work. The management and control of said institution and the admission of inmates thereto, and their discharge therefrom, shall be under the direct supervision and control of the Department of Health.

25. *Selection of a Site for Said Hospital.* Should the Department of Health and the Governor select a site for such institution, on lands already owned by the Commonwealth, and the department under whose control such land may be, agrees thereto, so much of said land as may be necessary shall be set aside for such purpose.

26. *Appropriations.* For the purposes specified in this act the sum of two hundred and fifty thousand dollars (\$250,000), or so much thereof as may be necessary, is hereby specifically appropriated to the Department of Health.

27. *County Contagious Disease Hospitals.* Be it enacted, &c., That, from and after the passage of this act, hospitals for the care and treatment of persons suffering from contagious diseases may be constructed and maintained by counties in this Commonwealth.

28. Whenever, in the opinion of the county commissioners of any county, a hospital for the care of contagious diseases appears to be necessary or advisable, the said county commissioners may either locate such a hospital on the grounds of the county poor-farm or may purchase a suitable location in some other locality; provided such locality is not within, or close to, the built-up portion of any city, borough, or village, and not within one hundred (100) feet of any public highway.

29. Plans and specifications may be prepared for such hospital by the county commissioners, or at their instance, which plans and specifications must be submitted to the Secretary of Health of the Commonwealth of Pennsylvania for his approval, and must be so approved before the construction of any building is commenced.

30. Upon the plans and specification being approved by the Secretary of Health, the said hospital may be constructed and equipped in the same manner that other county buildings are constructed and equipped, and the expense and cost of such construction and equipment paid by the county commissioners out of county funds. Act of 1917, P. L. 297.

LXII. UNDERTAKERS—(See Dead Bodies; Vital Statistics).

LXIII. VACCINATION.

1. It shall be the duty of all school directors, superintendents, principals, or other persons in charge of any public, private, parochial, or other school, to refuse admission of any child to any of said schools under their charge or supervision, except upon a certificate signed by a physician setting forth that such child has been vaccinated and that a subsequent examination reveals a resulting cicatrix indicating successful vaccination, or that vaccination has been performed according to the rules and regulations promulgated by the Secretary of Health, with the sanction and advice of the Advisory Board of the Department of Health, or that it has previously had small-pox. All certificates of vaccination shall be issued in accordance with the rules and regulations promulgated by the Secretary of Health with the sanction and advice of the Advisory Board of the Department of Health.

2. Any physician, undertaker, principal of a school, superintendent of a Sunday school, sexton, janitor, head of a family, or any other person or persons named in this act, who shall fail, neglect, or refuse to comply with, or who shall violate, any of the provisions or requirements of this act, shall, for every such offense, upon conviction thereof before any mayor, burgess, alderman, police magistrate, or justice of the peace, be liable to a fine or penalty therefor of not less than five dollars nor more than one hundred dollars; which said fines or penalties shall be paid into the school fund of the municipality in which the offense was committed; and in default of payment thereof, such person or persons, so convicted, shall undergo an imprisonment in the jail of the proper county for a period not exceeding sixty days. Act of 1919, P. L. 399.

Note:—The provisions of this section are constitutional. *Field v. Robinson*, 198 Pa., 638 (1901); *Stull v. Reber*, 215 Pa. 156 (1906) *Nissley v. Hummelstown School Board*, 18 Pa. C. C. R., 481.

Vaccination means inserting vaccine virus under the skin and not the administering of any preparation internally.

Lee vs. Marsh, 230 Pa., Page 357.

They apply to boroughs as well as to cities. *Stull v. Reber*, *supra*; *Nissley v. Hummelstown School Directors*, *supra*.

And to townships. *Sprague v. Baldwin et al.*, 18 Pa. C. C. R., 568 (1896).

The provisions of the section do not conflict with the compulsory education laws. *Nissley v. Hummelstown School Directors*, 18 Pa. C. C., 481 (1896); *Sprague v. Baldwin et al.*, 18 Pa. C. C., (568) (1896); *Commonwealth v. Smith*, 9 D. R., 625; *S. C.*, 24 Pa. C. C. R., 129; *Gerhardt v. Packer Township School District*, 24 Pa. C. C. R., 339; *S. C.*, 9 D. R., 720; *Cousins v. Burgie*, 3 D. R., 368.

It is not an abuse of discretion for a principal of a school to exclude unvaccinated children *Field v. Robinson*, 198 Pa. 638 (1901).

Parents of children who fail to produce a certificate of vaccination are not entitled to mandamus to compel the admission of such children. *Gerhard v. Packer Township School District*, 24 Pa. C. C. R., 339.

Nor will an injunction issue to school authorities enjoining them from excluding children who have not presented certificates of vaccination. *Stull vs. Reber*, 215 Pa. 156 (1906).

Where a certificate has been granted by a duly registered physician, it is conclusive upon the school authorities, although such authorities may determine whether such a certificate is genuine or fraudulent. *Cousins v. Burgie*, 13 D. R., 368 (1903).

It is the duty of directors of schools to see that the school teachers employed by them exclude children not having had smallpox or producing the proper certificate from their schools, but such directors may not be compelled by mandamus to do so. *Com v. Rowe et al.*, 218 Pa. 168 (1907).
See also:—

Commonwealth vs. Wilkins, et. al., *Mill Creek Twp. School Directors*, 271, Pa. 523.

Lee vs. Marsh, 230, Pa. 351.

Jacobson vs. Mass. 197, U. S. 11.

Adams vs. Milwaukee, 228, U. S. 572.

LXIV. VITAL STATISTICS—(Also see Secretary of Health; Department of Health.)

1. Vital Statistics.—The Department of Health shall have the power, and its duty shall be:

(a) To obtain, collect, compile, and preserve all statistics of marriages, deaths, diseases, of practitioners of medicine and surgery, of midwives, nurses, and undertakers, and of all professions whose occupation is deemed to be of importance in obtaining a complete registration of births, deaths, marriages, and diseases, or other vital statistics.

(b) To prepare the necessary methods, forms, and blanks for obtaining and preserving records of registration of births, deaths, marriages, and diseases, and to insure the faithful registration of the same in the townships, boroughs, cities, and counties of the State and in the department;

(c) To see that the laws requiring the registration of births, deaths, marriages, and diseases are uniformly and thoroughly enforced throughout the State, and prompt returns of such registrations made to the department;

(d) With the advice and concurrence of the Advisory Health Board, to make appropriate regulations for the thorough organization and efficiency of the registration of the vital statistics throughout the Commonwealth, and to enforce such regulations;

(e) To issue marriage, birth, and death certificates, and such burial or removal permits as may now or hereafter be provided by law;

(f) To establish such districts for the registration of vital statistics, and appoint such registrars, deputies, and sub-registrars as may be necessary properly to obtain, collect, compile, and preserve the statistics which the department is required to obtain, collect, compile, and preserve. All local registrars, deputies, and sub-registrars, appointed under this section, shall perform such duties as shall be required of them by the department, and shall receive such compensation as may now or hereafter be fixed by law. Act of 1923, P. L. 498.

2. *State Department of Health to Have Charge of Vital Statistics.* Be it enacted &c., That it shall be the duty of the State Department of Health to have charge of the State system of registration of births, deaths, marriages, and disease; to prepare the necessary methods, forms, and blanks for obtaining and preserving such records and to insure the faithful registration of the same in the townships, boroughs, cities, counties, and in the Central Bureau of Vital Statistics at the capitol of the State. The said department shall be charged with the uniform and thorough enforcement of the law throughout the State, and shall, from time to time, recommend any additional forms and amendments that may be necessary for this purpose.

3. *State Registrar.* That the Secretary of Health of the State Department of Health shall have general supervision over the Central Bureau of Vital Statistics, which is hereby authorized to be established by said department, and which shall be under the immediate direction of the State Registrar of Vital Statistics, whom the said Secretary of Health shall appoint, and who shall be a medical practitioner of not less than ten years' practice in his profession and a competent vital statistician. The term of appointment of the State Registrar of Vital Statistics shall be four years, beginning with the first day of January, nineteen hundred and thirteen, and any vacancy occurring in the office of State Registrar of Vital Statistics shall be filled by appointment of the said Secretary of Health, *who shall also fix the salary of the office.*

The State Department of Health shall provide for such clerical and other assistance as may be necessary for the purpose of this act, and may fix the compensation of persons thus employed within the amount appropriated therefor by the Legislature. Suitable apartments shall be provided for the State Bureau of Vital Statistics in the State Capitol at Harrisburg, which shall be properly equipped with fireproof vault and filing cases for the permanent and safe preservation of all records made and returned under this act. Act of June 7, 1915, P. L. 900.

4. *Registration Districts.* That, for the purposes of this act, the State shall be divided into registration districts as follows: Each city, borough, and township shall constitute a primary registration district, but two or more primary registration districts may be united into one registration district.

5. *Local Registrars; Deputies; Sub-Registrars.* That the Secretary of Health shall appoint a local registrar of vital statistics for each registration district of the State. The term of office of local registrars shall be for four years, beginning with the first

day of January, of the year nineteen hundred and thirteen, and their successors shall be appointed at least ten days before the expiration of their term of office: Provided, however, That all local registrars now serving under appointment of the Secretary of Health shall continue to serve until the expiration of their term for which they have been appointed. Any local registrar, appointed by the said Secretary of Health, who fails or neglects to efficiently discharge the duties of his office, or who fails to make prompt and complete returns of births and deaths as required hereby, shall be forthwith removed from his office by the said Secretary of Health, and his successor appointed, in addition to any other penalties that may be imposed, under other sections of this act, for failure or neglect to perform his duty. Each local registrar appointed by the Secretary of Health shall, immediately upon his acceptance of appointment as such, appoint a deputy whose duty it shall be to act in his stead in case of absence, illness, or disability, and who shall accept such appointment in writing, and who shall be subject to all rules and regulations governing the actions of local registrars; and when it may appear necessary for the convenience of the people in any township, a local registrar is hereby authorized, with the approval of the State Registrar, to appoint one or more suitable and proper persons to act as sub-registrars who shall be authorized to receive certificates, and to issue burial or removal permits, in and for such portions of the township as may be designated; and each sub-registrar shall note, over his signature, the date on which each certificate was filed, and forward all certificates to the registrar of the township within ten days, and, in all cases, before the third day of the following month: Provided, That all sub-registrars shall be subject to the supervisions and control of the State Registrar, and may be by him removed for neglect or failure to perform their duties in accordance with the provisions of this act or the rules and regulations of the State Registrar, and they shall be liable to the same penalties for neglect of duties as the local registrar.

6. *Burial Permit.* That the body of any person whose death occurs in the State shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, or removed from or into any registration district, until a permit for burial, removal or other disposition shall have been properly issued by the local registrar of the registration district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him as hereinafter provided: Provided, That when a dead body is transported by common carrier into a registration district in Pennsylvania for burial, then the transit and removal permit issued in accordance with the law and health regulations of the place where the death occurred, when said death occurs outside of the State of Pennsylvania, shall be accepted by the local registrar of the district, into which the body has been transported for burial or other disposition, as a basis upon which he shall issue a local burial permit in the same way as if the death occurred in his district, but shall plainly enter upon the face of the burial permit the fact that it was a body shipped in for interment, and give the actual place of death; but a burial permit shall not be required from

the local registrar of the district in which interment is to be made when a body is removed from one district in Pennsylvania to another district in the State, for purpose of burial or other disposition, either by common carrier, hearse, or other conveyance, and no local registrar shall, as such, require from undertakers or persons acting as undertakers, any fee for the privilege of burying dead bodies.

7. *Stillborn Children.* That stillborn children, or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and the death shall be filed with the local registrar in the usual form and manner; the certificate of birth to contain, in place of the name of the child, the word "stillbirth." The medical certificate of the cause of death shall be signed by the attending physician, if any, and shall state the cause of death as "stillborn," with the cause of the stillbirth, if known, whether a premature birth, and, if born prematurely, the period of uterogestation in months, if known, and a burial or removal permit in usual form shall be required. Midwives shall not sign certificates of death for stillborn children; but such cases and stillbirths occurring without attendance of either physician or midwife shall be treated as deaths without medical attendance, as provided for in section eight of this act.

CERTIFICATE OF DEATH

8. That the certificate of death shall contain the following items:—

- (1) Place of death; including State, county, township, borough, or city. If in a borough or city, the ward, street and house number. If in a hospital or other institution, the name of the same to be given instead of the street, and the house number. If in an industrial camp, the name to be given.
- (2) Full name of decedent. If an unnamed child, the surname preceded by "unnamed."
- (3) Sex.
- (4) Color or race; as, white, black (negro or negro descent), Indian, Chinese, Japanese, or other.
- (5) Conjugal condition; as, single, married, widowed, or divorced.
- (6) Date of birth, including the year, month and day.
- (7) Age in years, months, and days.
- (8) Place of birth, State or foreign country.
- (9) Name of father.
- (10) Birthplace of father, State or foreign country.
- (11) Maiden name of mother.
- (12) Birthplace of mother, State or foreign country.
- (13) Occupation. The occupation to be reported of any person who had any remunerative employment, women as well as men.
- (14) Signature and address of informant.
- (15) Date of death, including the year, month and day.
- (16) Statement of medical attendance on decedent, fact and time of death, including the time last seen alive.
- (17) Cause of death, including the primary and immediate causes, and contributory causes or complications, if any, and duration of each.

(18) Signature and address of physician or official making the medical certificate.

(19) Special information concerning deaths in hospitals and institutions, and of persons dying away from home, including the former or usual residence, length of time, and place of death, and place where the disease was contracted.

(20) Place of burial or removal.

(21) Date of burial or removal.

(22) Signature and address of undertaker.

(23) Official signature of registrar, with date when certificate was filed, and registered number.

The personal and statistical particulars (items one to thirteen), shall be authenticated by the signature of the informant, who may be any competent person acquainted with the facts.

The statement of facts relating to the disposition of the body shall be signed by the undertaker, or person acting as such.

The medical certificate shall be made and signed by the physician, if any, last in attendance on the deceased; who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which death occurred. And he shall further state the cause of death so as to show the course of disease, or sequence of causes resulting in death, giving the primary and immediate causes, and also the contributory causes, if any, and the duration of each. Indefinite and unsatisfactory terms, indicating only symptoms of disease or conditions resulting from disease, will not be held sufficient for issuing a burial or removal permit; and any certificate containing only such terms as defined by the State Registrar shall be returned to the physician for correction and definition. Causes of death which may be the result of either disease or violence shall be carefully defined; and, if from violence, its nature shall be stated, and whether, (probably) accidental, suicidal, or homicidal. And in case of deaths in hospitals, institutions, or away from home, the physician shall furnish the information required under this head (item nineteen), and shall state where, in his opinion, the disease was contracted.

9. *Death without Medical Attendance.* That in case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the registrar of such death, and, when so notified, the registrar shall inform the local health officer, and refer the case to him for immediate investigation and certification prior to issuing the permit: Provided, That when the local health officer is not a qualified physician, or when there is no such official, and in such cases only, the registrar is authorized to make the certificate and return from the statement of relatives or other persons having adequate knowledge of the facts: Provided further, That if the circumstances of the case render it probable that the death was caused by unlawful or suspicious means, the registrar shall then refer the case to the coroner for his investigation and certification. And in the city and county of Philadelphia it shall be the duty of the coroner to hold an inquest on the body of any deceased person who shall have died a violent death, or whose death shall be sudden

if said sudden death shall be after an illness of less than twenty-four hours, and no physician shall have been in attendance within said time, or if suspicious circumstances shall render the same necessary, which said suspicion shall first be sworn to by one or more citizens of said city. And any coroner whose duty it is to hold an inquest on the body of any deceased person, and to make the certificate of death required for a burial permit, shall state in his certificate the nature of the disease or the manner of death; and if from external causes or violence, whether (probably) accidental, suicidal, or homicidal, as determined by the inquest, and shall, in either case, furnish such information as may be required by the State Registrar to properly classify the death.

10. *Undertaker to Obtain Certificate of Death.* That the undertaker, or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the local registrar of the district in which the death occurred, and securing a burial or removal permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required from the person best qualified to supply them, over the signature and address of his informant. He shall then present the certificate to the attending physician, if any, or to the health officer or coroner, as directed by the local registrar, for the medical certificate of the cause of death and other particulars necessary to complete the record as specified in section eight. He shall then state the facts required relative to the date and place of burial over his signature and with his address, and present the completed certificate to the local registrar who will issue a permit for burial, removal, or other disposition of the body. The undertaker shall deliver the burial permit to the sexton, or other person in charge of the place of burial, before interring or otherwise disposing of the body, or shall attach the transit permit containing the registrar's removal permit to the box containing the corpse when the same is to be shipped by any transportation company, which permit shall accompany the corpse to its destination, and if the same be within the State of Pennsylvania, it shall be delivered to the sexton or other person in charge of the place of burial.

11. *Burial within the State.* That if the interment or other disposition of the body is to be made within the State, the wording of the burial permit may be limited to a statement by the registrar, and over his signature, that a satisfactory certificate of death having been filed with him as required by law, permission is granted to inter, remove, or otherwise dispose of the deceased, stating the name, age, sex, cause of death, and other necessary details upon the form prescribed by the State Registrar.

12. *Nobody to be Interred unless accompanied by permit.* That no sexton, or person in charge of any premises in which interments are made, shall inter or permit the interment or other disposition of any body unless it is accompanied by a burial removal or transit permit as herein provided; and each sexton, or person in charge of any burial-ground, shall indorse upon the permit the date of interment, over his signature, and shall return all permits so indorsed to the local registrar of his district within ten days from the date

of interment. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection.

13. *Births to be Registered.* That all births that occur in the State shall be immediately registered in the districts in which they occur, as hereinafter provided.

14. *Physicians and Midwives to File Certificates.* That it shall be the duty of the attending physician or midwife to file a certificate of birth, properly and completely filled out, giving all of the particulars required by this act, with the local registrar of the district in which the birth occurred, within ten days after the date of birth; and if there be no attending physician or midwife, then it shall be the duty of the father or mother of the child, householder, or owner of the premises, manager or superintendent of public or private institution in which the birth occurred, to notify the local registrar within ten days after the birth of the fact of such a birth having occurred. It shall then, in such case, be the duty of the local registrar to secure the necessary information and signature to make a proper certificate of birth.

15. *Form of Certificate.* That the certificate of birth shall contain the following items:—

(1) Place of birth, including State, county, township, or town, village, or city. If in a city, the ward, street, and house number; if in a hospital or other institution, the name of the same to be given, *as well as the residence of the parents, and where the birth occurs in a township, the post office address of the parents shall be given.*

(2) Full name of child. If the child dies without a name before the certificate is filed, enter the words "died unnamed." If the living child has not been named at the date of filing the certificate of birth, the space for "full name of child" is to be left blank, to be filled out subsequently by a supplemental report, as hereinafter provided.

(3) Sex of child.

(4) Whether a twin, triplet, or other plural birth. A separate certificate shall be required for each child in a case of plural birth, giving number of child in order of birth.

(5) Whether legitimate or illegitimate.

(6) Full name of father, *when legitimate.*

(7) Residence of father.

(8) Color or race of father.

(9) Birthplace of father.

(10) Age of father at last birthday, in years.

(11) Occupation of father.

(12) Maiden name of mother in full.

(13) Residence of mother.

(14) Color or race of mother.

(15) Birthplace of mother.

(16) Age of mother at last birthday, in years.

(17) Occupation of mother.

(18) Number of child of this mother, and number of children of this mother now living.

(19) Certificate of attending physician or midwife as to attendance at birth, including statement of year, month, day, and hour of birth, and whether the child was alive or dead at birth. This certificate shall be signed by the attending physician or midwife, with date of signature and address; if there is no physician or midwife in attendance, then the father or mother of the child, householder or owner of the premises, or manager or superintendent of public or private institution, or other competent person, whose duty it shall become to notify the local registrar of such a birth, as required by section thirteen of this act.

(20) Exact date of filing in office of local registrar, attested by his official signature, and registered number of birth as hereinafter provided.

All certificates, either of birth or death, shall be written legibly in unfading ink, and no certificate shall be held to be complete and correct that does not supply all of the items of information called for therein or satisfactorily account for their omission. Act 1921, P. L. 181.

16. *Special Blanks for Given Names.* That when any certificate of birth of a living child is presented without the statement of the given name, then the local registrar shall make out and deliver to the parent of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed and returned to the local registrar as soon as the child shall have been named.

17. *Physicians, Midwives and Undertakers to Register.* That every physician, midwife, and undertaker shall, without delay, register his or her name, address, and occupation with the local registrar of the district in which he or she resides, or may hereafter establish a residence, and shall thereupon be supplied by the local registrar with a copy of this act, together with such rules and regulations as may be prepared by the State Registrar, relative to its enforcement. Within thirty days after the close of each calendar year, each local registrar shall make a return to the State Registrar of all physicians and midwives who have been registered in his district during the whole or any part of the preceding calendar year: Provided, That no fee or other compensation shall be charged by local registrars to physicians, midwives, or undertakers, for registering their names under this section or making returns thereof to the State Registrar.

18. *Hospitals, &c., to make Records.* That all superintendents or managers, or other persons in charge of hospitals, almshouses, lying-in or other institutions, public or private, to which persons resort for treatment of disease, confinement or are committed by process of law, are hereby required to make a record of all the personal and statistical particulars relative to the inmates in their institutions at the date of approval of this act, that are required in the form of certificate provided for by this act, as directed by the State Registrar, and thereafter such record shall be by them made

for all future inmates at the time of their admission. And in case of persons admitted or committed for medical treatment of disease, the physician in charge shall specify for entry in the record, the nature of the disease, and where, in his opinion, it was contracted. The personal particulars and information required by this section shall be obtained from the individual himself, if it is practicable to do so, and when they cannot be obtained they shall be secured in as complete a manner as possible from the relatives, friends, or other persons acquainted with the facts.

19. *Duties of State Registrar.* That the State Registrar shall prepare, print, and supply to all registrars, all blanks and forms used in registering, recording, and preserving the returns, or in otherwise carrying out the purposes of this act; and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. And no other blanks shall be used than those supplied by the State Registrar. He shall carefully examine the certificates received monthly from the local registrars, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record complete and satisfactory: and all physicians, midwives, informants, or undertakers connected with any case, and all other persons having knowledge of the facts, are hereby required to furnish such information as they may possess regarding any birth or death, upon demand of the State Registrar in person, by mail, or through the local registrar. He shall further arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous index of all births and deaths registered, the cards to show the name of child or deceased, place and date of birth or death, number of certificate, and the volume in which it is contained. *Within ten days after receipt of a certificate of the birth of a living child, he shall send to the parent of such child a notice of the registry of the child's birth. Such notice shall state the following facts, as contained in the birth certificates*

1. *Name of child.*
2. *Place and date of birth.*
3. *Given name of father.*
4. *Given name of mother.*
5. *Permanent file number of certificate.*

This notice may be accepted by school authorities as evidence of child's age for all purposes connected with employment or school attendance, and may contain such other matter as the State Registrar deems desirable. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable and dangerous to the public health, as provided by law, and by the regulations of the State Department of Health, in order that, when deaths occur from such diseases, proper precautions may be taken to prevent the spreading of dangerous diseases. It shall also be the duty of the State Registrar to collect, preserve, and tabulate records of all marriages performed within the State, and to tabulate and compile statistics of morbidity reports received by the

Department of Health, after such necessary methods and forms as shall be, from time to time, directed by the Secretary of Health.

20. This act shall take effect on the first day of July. Anno Domini one thousand nine hundred and twenty-three.

21. All acts and parts of acts inconsistent herewith are hereby repealed. Act of May 9, 1923, P. L. 176.

22. *Duties of Local Registrars.* That it shall be the duty of the local registrar to supply blank forms of certificates to such persons as require them; and he shall carefully examine each certificate of birth or death, when presented for record, to see that it has been made out in accordance with the provisions of this act and the instructions of the State Registrar, and, if any certificates of death are incomplete or unsatisfactory, it shall be his duty to call attention to defects in the return and to withhold issuing the burial or removal permits until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker. Provided: That in case the death occurs from some disease that is held by the State Department of Health to be infectious, contagious, or communicable and dangerous to the public health, no permit for the removal or other disposition of the body shall be granted by the registrar, except under such conditions as may be prescribed by the State Department of Health. If a certificate of birth is incomplete he shall immediately notify the informant and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of birth and of death in two separate series, beginning with "number one" for the first birth and the first death in each calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and permanently preserved in his office as the local record of such death, in such manner as directed by the State Registrar, and he shall, on the fifth day of each month, transmit to the State Registrar all original certificates of death registered by him during the preceding month; and he shall, on the tenth day of each month, transmit to the State Registrar all original certificates of birth registered by him during the preceding month; and if no deaths or births occur in any month, he shall, on the fifth and the tenth days of the following month, report that fact to the State Registrar on a card provided for this purpose. For the proper conduct of health affairs within their respective districts, local health authorities shall have free access at all times to the records received and permanently filed by local registrars.

23. *Fees of Local Registrars.* That each registrar shall be entitled to be paid the sum of twenty-five cents for each birth or death certificate properly and completely made out and registered with him and correctly copied and duly returned by him to the State Registrar, as required by this act: Provided, That in cities of the first and second class, *the expenses of birth and death registration shall be paid from funds appropriated to the Department of Health, in such manner as*

other payments are made for general purposes; and, in case no births or deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect promptly made in accordance with this act. All amounts payable to registrars, except in cities of the first and second class, as provided in this section, shall be paid by the treasurer of the county in which the registration districts are located upon certification by the State Registrar, and the State Registrar shall annually certify to the treasurers of the several counties the number of births and deaths registered, with the names of the local registrars, and the amount due each at the rates fixed herein. Act of April 20, 1921, P. L. 181.

24. *Certified Copies of Records.* That the State Registrar shall, upon request, furnish any applicant a certified copy of the record of any birth, death, or marriage registered under provisions of this act, for the making and certification of which he shall be entitled to a fee of fifty cents to be paid by the applicant; and any such copy of the record of a birth, or death, or marriage, when properly certified by the State Registrar to be a true copy thereof, shall be prima facie evidence in all courts and places of the facts therein stated. For any such search of the files and records, when no certified copy is made, the State Registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant. And the State Registrar shall keep a true and correct account of all fees by him received under these provisions and turn the same over to the State Treasurer.

25. *Penalties.* That if any physician who, under the provisions of this act, is responsible for the medical certificate of death, shall neglect or refuse to make out and deliver to the undertaker, sexton, or other person in charge of the interment, removal, or other disposition of the body, upon request, the said medical certificate of cause of death hereinbefore provided for, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars; and if any physician shall knowingly make a false certification of the cause of death in any case, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars.

And any physician or midwife in attendance upon a case of confinement, or any other person charged with responsibility for reporting births, in the order named in section thirteen of this act, who shall neglect or refuse to file a proper certificate of birth with the local registrar within the time required by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than fifty dollars.

And if any undertaker, sexton, or other person acting as undertaker, shall inter, remove, or otherwise dispose of the body of any deceased person, without having received a burial or removal permit, as herein provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty dollars nor more than one hundred dollars.

And any registrar, deputy registrar, or sub-registrar who shall neglect or fail to enforce the provisions of this act in his district,

or shall neglect or refuse to perform any of the duties imposed upon him by this act, or by the instructions and directions of the State Registrar, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

And any person who shall wilfully alter any certificate of birth or death, or the copy of any certificate of birth or death on file in the office of the local registrar, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not exceeding sixty days, or suffer both fine and imprisonment, in the discretion of the court.

And any other person or persons who shall violate any of the provisions of this act, or shall wilfully neglect or refuse to perform any duties imposed upon them by the provisions of this act, or shall furnish false information to a physician, undertaker, midwife, or informant, for the purposes of making incorrect certification of births or deaths, shall be deemed guilty of a misdemeanor, and upon conviction thereof be fined not less than five dollars nor more than one hundred dollars.

And any transportation company or common carrier transporting or carrying, or accepting through its agents or employes for transportation or carriage, the body of any deceased person, without an accompanying permit issued in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars nor more than two hundred dollars: Provided, That in case the death occurred outside of the State, and the body is accompanied by a certificate of death, burial or removal, or transit permit issued in accordance with the law or board of health regulations in force where the death occurred, such death certificate, burial or removal, or transit permit may be held to authorize the transportation or carriage of the body into or through the State.

26. *Duties of State Registrar and Local Registrar.* That local registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts, under the supervision and direction of the State Registrar. And they shall make an immediate report to the State Registrar of any violations of this law coming to their notice by observation, or upon complaint of any person, or otherwise. The State Registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the State, and with supervisory power over local registrars, to the end that all of the requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him upon request in such investigations. When he shall deem it necessary the Secretary of Health shall report cases of violation of any of the provisions of this act to the Department of Justice of the Commonwealth.

27. *Local Systems not to be Maintained.* That all laws and parts of laws inconsistent with the provisions of this act are hereby repealed, and no system for the registration of births and deaths

shall be continued or maintained in any of the several municipalities of this Commonwealth other than the one provided for and established by this act. Act of June 7, 1915, P. L. 900.

LXV. WATER SUPPLIES.

Sanitary Water Board.—The Sanitary Water Board shall consist of the Secretary of Health, who shall be chairman thereof, the Secretary of Forests and Waters, the Attorney General, the Commissioner of Fisheries, and the Chairman of the Public Service Commission of the Commonwealth of Pennsylvania.

Three members of the board shall constitute a quorum.

1. *Water Pollution.*—The Department of Health shall have the power, and its duty shall be:

(a) To act as the enforcement agent for the Sanitary Water Board created by this act. The Department shall make such inspections, conduct such investigations, and do such other acts as the Sanitary Water Board shall from time to time direct; but the department shall, in the exercise of its powers and the performance of its duties hereunder, be subject at all times to the rules and regulations, orders, and directions of the Sanitary Water Board: Provided, however, That between sessions of the board, the department shall have the power to issue such orders and take such action, within the powers of the board, as the circumstances may require; but any order so issued and any action so taken may be rescinded or revoked by the board at its next session;

(b) To issue water works permits and stipulate therein the conditions under which water may be supplied to the public, and to administer sections one, two and three of the act, approved the twenty-second day of April, one thousand nine hundred and five (Pamphlet Laws, two hundred sixty), entitled 'An act to preserve the purity of the waters of the State for the protection of the public health.'

2. *Sanitary Water Board.*—Subject to any inconsistent provisions in this act contained, the Sanitary Water Board shall have the power, and its duty shall be:

(c) To exercise all the powers, not contrary to law, heretofore exercised by the Department of Fisheries, the Commissioner of Fisheries, and the Water Supply Commission of Pennsylvania, with regard to the prevention of pollution of the waters of this Commonwealth;

(d) To investigate, hold hearings upon, and determine any question of fact regarding the purity of water supplied to the public by any public service company over which the Public Service Commission of the Commonwealth of Pennsylvania has jurisdiction, whenever said commission shall certify such question to the board.

The findings of the board upon any such question shall be incorporated in, and made a part of, the determination or decision by said commission of the controversy or other proceeding in connection with which the question arose, and shall be binding upon the parties to such controversy or other proceeding, unless either party shall take an appeal from the commission's determination or decision as may now or hereafter be provided by law;

(e) To make rules and regulations for the effective administration and enforcement of the laws of this Commonwealth prohibiting the pollution of the waters thereof;

(f) To study, investigate, and, from time to time, report ways and means of eliminating from the streams and waters of the Commonwealth, so far as practicable, all substances and materials which pollute or tend to pollute the same, and to determine and recommend methods of preventing pollution detrimental to the public health or to the health of animals, fish, or aquatic life, or detrimental to the use of waters for recreational purposes. The board shall have the power to investigate the character of all wastes discharged into, or deposited on the banks of, the streams or waters of the Commonwealth, and shall make similar investigations and recommendations with regard to the matter of preventing pollution of the waters of interstate streams which touch the boundaries of the Commonwealth;

(g) To call upon the Department of Health to make such inspections, conduct such investigations, and do such other acts as may be necessary and proper in the exercise of the powers and the performance of the duties of the board. Act of 1923, P. L. 498.

3. *Sediment from certain industrial waste to be prevented from passing into streams.* All persons engaged in any of the manufacturing interests of this State, accustomed to the washing of iron and other ores, and of coal preparatory to its use for coking, or in the tanning of hides by a process in which vitriol is used, shall prepare a tank or other suitable receptacle into which the culm or coal dirt, the offal, refuse and the tan bark and the liquor, or the water therefrom, may be collected, so that the sediment therefrom, so far as is practicable, may be thereby prevented from passing into or upon any of the rivers, lakes, ponds or streams of this Commonwealth, under a penalty of fifty dollars or each offense, in addition to liability for all damages he or they may have done to any individual owners or lessees on such waters. Sec. 1, Act of May, 1876, P. L. 146. This Act is not repealed by Sec. 152 of the Act of July 28, 1917, P. L. 1215.

4. *Penalty for pollution of water used for drinking purpose.* Any person who shall wilfully enter upon the enclosed land of any company incorporated under the laws of this Commonwealth for the purpose of supplying water to the public for drinking purposes, on which land is erected any dam, reservoir, pond or other artificial means for storing water, and pollute or attempt to pollute the water on such land, shall be deemed and the same is hereby declared to be a misdemeanor, and may be prosecuted and convicted as such under the laws of this Commonwealth, and on conviction thereof in the court of quarter sessions of the proper county shall be fined not exceeding fifty dollars, and imprisoned not exceeding sixty days. 1895, June 24; P. L. 231, Sec. 1.

5. *Plans to be filed with Secretary of Health.* Every municipal corporation, private corporation, company, and individual supplying or authorized to supply water to the public, within the State, shall, within sixty days after the passage of this act, file with the Secretary of Health a certified copy of the plans and

surveys of the waterworks, with a description of the source from which the supply of water is derived; and no additional source of supply shall thereafter be used, without a written permit from the Secretary of Health, as hereinafter provided. Sec. 2, Act of April 22, 1905, P. L. 260.

6. *Permits for waterworks.* No municipal corporation, private corporation, company, or individual shall construct waterworks for the supply of water to the public within the State, or extend the same, without a written permit, to be obtained from the Secretary of Health if, in his judgment, the proposed source of supply appears to be not prejudicial to the public health. The application for such permit must be accompanied by a certified copy of the plans and surveys for such waterworks, or extension thereof, with a description of the source from which it is proposed to derive the supply; and no additional source of supply shall subsequently be used for any such waterworks without a similar permit from the Secretary of Health. When application shall be made for a permit under either of the above provisions of this section, it shall be the duty of the Secretary to proceed to examine the application, without delay, and, as soon as possible, he shall make a decision, in writing; and, within thirty days after such decision, the corporation, company, or individual making such application may appeal to any court of common pleas of the county, and said court shall without delay, hear the appeal, and shall make an order approving, setting aside, or modifying such decision, or fixing the terms upon which said permit shall be granted. The penalty for failure to file copies of plans, surveys, and descriptions of existing waterworks, within the time hereinbefore fixed, and for the construction or extension of waterworks, or the use of an additional source of supply, without a permit from the Secretary of Health, shall be five hundred dollars, and further penalty of fifty dollars per day for each day that the works are in operation contrary to the provisions of this act, recoverable by the Commonwealth, at the suit of the Secretary of Health, as debts of like amount are recoverable by law. Sec. 3, Act of April 22, 1905, P. L. 260.

7. *Appeal.* Any order or decision, under this act, of the Secretary of Health, or that of the Governor, Attorney General and Secretary of Health, shall be subject to an appeal to any court of common pleas of the county wherein the outlet of such sewer or sewer system, otherwise prohibited by this act, is situated; and said court shall have power to hear said appeal, and may affirm or set aside said order or decision, or modify the same, or otherwise fix the terms upon which permission shall be granted. But the order or decision appealed from shall not be superseded by the appeal, but shall stand until the order of the court, as above. Sec. 11, Act of April 22, 1905, P. L. 260.

8. *Cities may patrol water sheds.* Be it enacted, &c., That any city owning and operating a water works system is hereby authorized and empowered to enter, by any of its employes, upon private lands through which may pass any stream or streams of water supplying

Note.—The Act of April 22, 1905. P. L. 260, is constitutional. Com. vs. Emmers, 33 Pa. Super Ct. 151 (1907).

such city, for the purpose of patrolling the drainage area of such streams, and making investigations or inquiries pertaining to the condition of the stream or streams, sanitary or otherwise: Provided, however, That any injury or damage done to the property, so entered upon, shall be paid by such city. Sec. 1, Act of May 2, 1905, P. L. 350.

9. *Certain hospitals may construct waterworks.* Be it enacted, &c., That when the board of trustees of any State hospital for injured persons, or directors of any incorporated district having a hospital for the care and treatment of the insane, supported in whole or in part by this Commonwealth, shall desire more land for the erection of necessary buildings or other necessary hospital uses and purposes, or shall desire a supply of pure water for hospital purposes, and shall be unable to procure the same by purchase from the owner or owners thereof, it shall and may be lawful for said board of trustees or directors of such district, by themselves, their engineers, surveyors, agents, artisans, and workmen, to survey, ascertain, locate, fix, mark, determine, enter upon, occupy, and use such lands, waters, streams, property, and materials as said board of trustees or directors may deem necessary for the purpose of supplying said hospitals with an adequate supply of pure water, and for other hospital purposes.

And said board shall have power to provide, erect, and maintain all works and machinery necessary or proper for raising and introducing into said hospitals and grounds a sufficient supply of pure water; and for that purpose may provide, erect, and maintain all proper buildings, systems, reservoirs, pipes and conduits for the reception and conveyance of water: Provided, That no waters shall be condemned and appropriated under the provisions of this act, nor any water system, reservoir, pipe or conduit be constructed or maintained, until a permit for the condemnation and appropriation of such waters, or the construction or maintenance of such water system, reservoir, pipe or conduit, shall have been procured from the Department of Health and the Water Supply Commission of Pennsylvania: And provided further, That nothing in this act contained shall be construed to relieve any hospital from the operation of the provisions of the act of April twenty-two, nineteen hundred and five. Sec. 1, Act of June 6, 1907, P. L. 417.

10. *Boroughs and townships may unite to furnish water supply.* Be it enacted, &c., That two or more boroughs, or any borough or township, may unite in the construction or acquisition and maintenance of works for the supply of water to such boroughs or townships. Sec. 1, Act of June 1, 1911, P. L. 541.

11. *Permit must be secured from Secretary of Health.* That the construction of water-works as provided for in section one of this act, shall be after plans for such water-works have been filed with the Secretary of Health, and a permit issued by him in accordance with the Act of Assembly of April twenty-second, one thousand nine hundred and five, entitled "An act to preserve the purity of the waters of the State for the protection of the public health." Sec. 2, Act of June 1, 1911, P. L. 541.

12. *Boroughs may provide a supply of water for the public.* Boroughs may provide a supply of water for the use of the public within such borough, by erecting and operating water-works, by entering into contract with persons or corporations authorized to supply water within the limits of such borough, or partly by the erection and operation of water-works and partly by entering into a contract. Chapter VI, Art. XVII, Sec. 1, Act of May 14, 1915, P. L. 312.

13. *Power of boroughs to construct water-works not to be abridged.* No contract for the supply of water hereafter entered into by any borough with any person or corporation shall, in any wise, abridge the power of the borough to construct and operate water-works as provided in section one of this article, but such power shall remain in force as though such contract had not been made. Chapter VI, Art. XVII, Sec. 2, Act of May 14, 1915, P. L. 312.

14. *Boroughs may appropriate springs, streams, etc.* Any borough desiring to erect water-works, or to improve its water supply, may appropriate springs, streams, rivers, or creeks, and lands, easements, and the rights of way, within or without its limits, and, for the purpose of conducting water obtained outside the limits of the borough, may lay pipes under and over any lands, rivers, streams, bridges, highways and across railroads. Chapter VI, Art. XVII, Sec. 3, Act of May 14, 1915, P. L. 312.

15. *Owners not to be deprived of free use of water.* No water appropriated under the provisions of the preceding section shall be used in such manner as to deprive the owner thereof of the free use and enjoyment of the same for domestic and farm purposes. Chapter VI, Art. XVII, Sec. 4, Act of May 14, 1915, P. L. 312.

16. *Secretary of Health to issue permits.* The construction of water-works as provided for in the preceding section shall be after plans for such water-works have been filed with the State Secretary of Health, and a permit issued in accordance with the Act of Assembly of April twenty-second, one thousand nine hundred and five, page two hundred sixty, entitled "An act to preserve the purity of the waters of the State for the protection of the public health." Chapter VI, Art. XVII, Sec. 18, Act of May 14, 1915, P. L. 312.

17. *Boroughs may supply water outside borough limits.* Whenever any borough is maintaining water-works it shall be lawful for such borough to supply water for ordinary and domestic uses, to persons and corporations outside the limits of such borough, at rates not less than those required to be paid by persons and corporations within the limits of such borough; but no such privilege shall conflict with the corporate rights of any water company, or the rights of any other borough. Chapter VI, Art. XVII, Sec. 22, Act of May 14, 1915, P. L. 312.

18. *Water-works commission.* Whenever any borough owns and maintains water-works there may be established in such borough a commission of water-works, to be composed of three citizens in the borough who shall be known as commissioners of water-works. Chapter VI, Art. XVII, Sec. 28, Act of May 14, 1915, P. L. 312.

19. *By-laws and regulations.* All by-laws and regulations not inconsistent with the laws of the Commonwealth, the rules and regulations of the Department of Health or Water Supply Commission, when made by the (water-works) commissioners, shall have the force and effect of ordinance of such borough. Chapter VI, Art. XVII, Sec. 39, Act of May 14, 1915, P. L. 312.

20. *Cities of the third class may supply water outside city limits.* Be it enacted, &c., That all commissioners of water-works in any city of the third class, wherein the title to the water-works therein located is in the name of the commissioners of water-works, shall have the right, and are hereby authorized and empowered, to extend the water-pipes and improvements of any such water-works beyond the bounds of the cities wherein they are located, into the county and municipalities of the county in the vicinity of said cities, and to furnish water to any and all corporations, persons, and municipalities in the counties in which such water-works are located, under and in pursuance of the laws, rules and regulations now existing, or to be hereafter enacted, governing commissioners of water-works. Sec. 1, Act of June 13, 1913, P. L. 507.

21. *May not supply territory supplied by a private company.* Be it enacted, &c., That all cities of the third class wherein the title to the water-works therein located is in the name of the city, shall have the right, and are hereby authorized and empowered, to extend the water-pipes and improvements of any such water-works, beyond the bounds of the cities wherein they are located, into the county and municipalities of the county in the vicinity of such cities; and to furnish water to any and all corporations, institutions, persons, and municipalities in the counties in which said cities are located, under and in pursuance of the laws, rules, and regulations now existing or to be hereafter enacted governing cities of the third class. This section does not authorize a city of the third class to extend water-pipes or supply water in territory, outside the boundaries of such cities, which territory is being supplied with water by a private company. Sec. 1, Act of Mar. 31, 1915, P. L. 38.

22. *Townships of the first class may contract for water-supply.* Be it enacted, &c., That any township of the first class is empowered to contract with any adjoining municipality, owning a water-works system, for a supply of water for public and private uses, to be delivered into the lines of the township at or near the boundary thereof.

This section does not authorize a contract between a township of the first class and a municipality for the supply of water in territory being supplied by a private company. Sec. 1, Act of Apr. 9, 1915, P. L. 70.

23. *Permit from Secretary of Health.* A township making such contract may, by ordinance, provide and regulate and protect a system of distribution of the water. After a certified copy of the plans and surveys for such system, with a description of the sources from which it is proposed to derive the supply, are filed in the Department of Health, and a written permit for the construction of such system obtained from the Secretary of Health, in accordance

with the provisions of the act of April twenty-second, one thousand nine hundred and five, entitled "An act to preserve the purity of the waters of the State for the protection of the public health." Sec. 2, Act of Apr. 9, 1915, P. L. 70.

24. *May occupy highways and take private property.* In providing for regulating and protecting and extending its system of distribution of water, the township may occupy public highways; and may take, injure or destroy private property, compensation for which taking, injury, or destruction to be made or secured as hereafter in this act provided. No highway under the jurisdiction of the State Highway Department shall be occupied until a permit therefor has been obtained from the State Highway Department. Property belonging to or used as a cemetery, or a place of public worship, or any public or parochial school, or other educational or charitable institution or seminary, shall not be taken, injured, or destroyed by virtue of this act. Sec. 3, Act of April 9, 1915, P. L. 70.

25. *Compensation and damages.* If the compensation and damages arising from such taking, injury, or destruction of private property cannot be agreed upon, the township may tender its bond as security to the party claiming or entitled to any damages, or to the attorney or agent of any absent person, or to the agent or other officer of a corporation, or to the guardian or committee of any person under legal incapacity. The condition of the bond shall be that the township shall pay, or cause to be paid, such amount of damages as the party shall be entitled to receive, after the same shall have been agreed upon or assessed in the manner provided in this act. In case the party or parties claiming damages refuse or do not accept the security so tendered, the township shall then give the party, his or their agent, attorney, guardian or committee, at least ten days' written notice of the time when the same will be presented to the court of common pleas for approval. Thereafter the township may present its bond to the court, and when approved the said bond shall be filed in court for the benefit of those interested; and recovery may be had thereon, for the amount of damages finally determined, if the same be not paid, or cannot be made by execution on the judgment in the issue formed to try the question; and upon the approval of said security the township may enter into possession, take hold, use, and enjoy said land, for the purpose aforesaid, forever. Sec. 4, Act of April 9, 1915, P. L. 70.

26. *Viewers.* In case the compensation or damages accruing from such taking, injury, or destruction has not been agreed upon by the parties in interest, the court of common pleas, or any law judge thereof in vacation, on application thereto by the township or any person interested in such property, shall appoint three members of the board of viewers of the county as a board of view; and appoint a time, not less than ten nor more than twenty days thereafter, when the board of view shall meet upon the property and view the same and the premises affected thereby. The board of view shall give at least five days' personal notice of the time of their first meeting, upon the owners, agents, attorneys or representatives thereof, if the same reside within the county; otherwise, by handbills posted upon the premises, or by such other notice as the court shall direct. The board of view, having been duly sworn or affirmed faithfully, justly and

impartially to decide and true report to make concerning all matters and things submitted to them in relation to which they are authorized to inquire under the provisions of this act; and having viewed the premises or examined the property, shall hear all parties interested and their witnesses; and, having due regard to the advantage and disadvantages, shall estimate and determine the damages for the property taken, used, or appropriated, and to whom the same are payable. They shall give at least ten days' notice thereof, in the manner herein provided, to all parties interested, of the time and place when the board of view will meet and exhibit said report and hear any exceptions thereto. After making whatever changes are deemed necessary and proper, the board of view shall make report to the court, showing the damages, if any are allowed; and file therewith a plan showing the properties taken, injured, or destroyed, and the names of the person to whom such damages are payable. Sec. 5, Act of April 9, 1915, P. L. 70.

27. *Exceptions to report.* When the report of the board of view, or any two of them, is filed in court, any party may, within thirty days thereafter, file exceptions to the same; and the court may confirm the report, or modify, change or otherwise correct it, or refer it back to the same or new viewers, with like power as to their report. Or within thirty days from the filing of any report in court, any party whose property is so taken, used, or appropriated may appeal to the court of common pleas of the county and demand a trial by jury. Any party interested therein may, within thirty days after final decree, have an appeal to the Superior or the Supreme Court. If no exceptions are filed or no demand made for trial by jury within the said thirty days after the filing of said report, the same shall become absolute. The court may order what notices shall be given in connection with any part of said proceedings, and may make all such orders as it may deem requisite. Sec. 6, Act of April 9, 1915, P. L. 70.

28. *Viewers to administer oaths, etc.* The board of view provided for in this act may be appointed before or at any time after the entry, taking, or appropriation of any property to be used for the purpose aforesaid. They shall have power to administer oaths, and adjourn their hearings from day to day as they may find necessary. Sec. 7, Act of April 9, 1915, P. L. 70.

29. *Costs.* The costs of the board of view, and all court costs incurred in the proceedings, including advertising and printing and posting notices, shall be defrayed by the township. Sec. 8, Act of April 9, 1915, P. L. 70.

30. *Damages to be assessed against township.* All damages, when determined, shall be assessed against and paid by the township so taking, injuring, or destroying the property as aforesaid. Sec. 9, Act of April 9, 1915, P. L. 70.

31. *Obligations for construction or acquisition of water-works may not be considered a debt of the municipality.* Be it enacted, &c., That obligations which have been heretofore issued, or which may hereafter be issued by any municipality other than Philadelphia, to provide for the construction or acquisition of water-works, subways

underground railways or street railways, or appurtenances thereof, shall not be considered as a debt of the municipality, within the meaning of any act of Assembly of the Commonwealth of Pennsylvania authorizing or limiting the incurring of debt or indebtedness, or the increasing of debt or indebtedness, by any municipality, whether with or without the assent of the electors thereof, if the net revenue derived from said property for a period of five years, either before or after the acquisition thereof or where the same is constructed by the municipality, after the completion thereof shall have been sufficient to pay interest and sinking fund charges during said period upon said obligations, or if the said obligations shall be secured by liens upon the respective properties and shall impose no municipal liability. Sec. 1, Act of June 5, 1915, P. L. 846.

32. Tax not to be levied until works have been operated one year. Where a municipality shall issue obligations to provide for the construction of water-works, subways, underground railways or street railways, or appurtenances thereof, the municipality may also issue obligations to provide for the interest and sinking-fund charges accruing thereon until said properties shall have been completed and in operation for a period of one year; and said municipality shall not be required to levy a tax to pay said interest and sinking-fund charges, until after said properties shall have been operated by the municipality during the said period of one year. Sec. 2, Act of June 5, 1915, P. L. 846.

33. Limit of indebtedness. Any of the said municipalities may incur indebtedness in excess of seven per centum, and not exceeding ten per centum, of the assessed valuation of the taxable property therein, if said increase of indebtedness shall have been assented to by three-fifths of the electors voting at a public election, in such manner as shall have been or may be hereafter be provided by law for the increase of indebtedness by municipalities with the assent of the electors. Sec. 3, Act of June 5, 1915, P. L. 846.

34. Municipality to have power to carry out provisions of act. Said municipalities shall have all the rights and powers necessary and needful to carry out the provisions of this act. Sec. 4, Act of June 5, 1915, P. L. 846.

35. Public Water Supply.

Be it enacted, &c., That power and authority are hereby conferred upon the Advisory Board of the Department of Health, after due notice and public hearing, to make, adopt, and promulgate reasonable orders and regulations for the protection of any source of water approved, subsequent to the passage of this act, by the Secretary of Health for the present or future supply to the public, and prohibiting the pollution and contamination of any such source of water so approved, rendering the same inimical to the public health or objectionable for public water supply purposes: Provided, however, That said orders and regulations, and said prohibition of pollution and contamination, shall not apply to sources of water shown, at said public hearing, to be polluted or contaminated by industrial wastes at the time of said hearing or at any time within one year prior thereto: And further provided: That this act shall

not apply to any pollution or contamination caused by or resulting from water pumped or flowing from coal mines or water used in the preparation of coal.

36. Secretary of Health to Enforce Orders and Regulations.

The Secretary of Health is hereby authorized and empowered to enforce said orders and regulations.

37. Penalty for Violation.

Any person, firm, corporation, or municipality violating any of the said orders and regulations, or refusing or omitting to comply with any direction or stipulation of the said Secretary made in accordance with said orders and regulations, after thirty days' notice thereof, shall be liable to a penalty of not less than one hundred (\$100) dollars not more than five hundred (\$500) dollars, at the discretion of the court, to be recovered by the Commonwealth at the suit of the said Secretary of Health as debts of like amount are recoverable by law. Each week of the continuance of the said violation after notice as aforesaid shall constitute a separate offense. The suits herein provided for may be brought in the court of common pleas of the county in which the said violation occurred.

38. Violation of Orders and Regulations to Constitute Public Nuisance.

A violation of the orders and regulations adopted by the advisory board pursuant to this act shall constitute a public nuisance, and whenever such a public nuisance shall be maintained or continued contrary to such orders and regulations, the same may be abated by injunction in the court of common pleas of Dauphin County, or of the county in which such nuisance is maintained, in the manner now provided by law for the abatement of public nuisances. The collection of any penalties under the provisions of this act shall not be construed as estopping the Commonwealth from proceeding in courts of equity as provided in this section.

39. Repeal.

All acts or parts of acts inconsistent herewith are hereby repealed: Provided, however, That nothing contained in this act shall be construed to repeal or to limit the provisions of the act, entitled "An act to preserve the purity of the waters of the State, for the protection of the public health," approved the twenty-second day of April, Anno Domini one thousand nine hundred and five (1905).

Act of June 14, 1923, P. L. 793.

APPENDIX

NUISANCES.

1. *Nuisances on streets and sidewalks.* Be it enacted &c., That from and after the passage of this act, it shall be unlawful, and is hereby forbidden, for any person or persons to throw waste paper, sweepings, ashes, household waste, nails or rubbish of any kind into any street, in any city, borough, or township in this Commonwealth, or to interfere with, scatter or disturb the contents of any receptacles containing ashes, garbage, household waste, or rubbish, which shall be placed upon any of said paved streets or sidewalks for the collection of the contents thereof. Any person or persons who shall violate any of the provisions of this act, shall, upon conviction thereof before any magistrate, be sentenced to pay the cost of prosecution, and to forfeit and pay a fine not exceeding ten (\$10) dollars, for each and every such offense, and in default of the payment thereof, shall be committed, and imprisoned in the county jail of the proper county for a period not exceeding ten days. Sec. 1, Act of April 20, 1905, P. L. 227.

POISONS.

1. *Regulating the sale of poisons.* No apothecary, druggist or other person, shall sell or dispose of by retail, any morphia, strychnia, arsenic, prussic acid or corrosive sublimate, except upon the prescription of a physician, or on the personal application of some respectable inhabitant of full age, of the town or place in which such sale shall be made; in all cases of such sale, the word "poison" shall be carefully and legibly marked or placed upon the label, package, bottle, or other vessel or thing in which such poison is contained; and when sold or disposed of, otherwise than under the prescription of a physician, the apothecary, druggist or other person selling or disposing of the same, shall note in a register, kept for that purpose, the name and residence of the person to whom such sale was made, the quantity sold and the date of such sale. Any person offending herein shall be guilty of a misdemeanor, and on conviction be sentenced to pay a fine not exceeding fifty dollars. Sec. 70, Act of March 31, 1860, P. L. 382.

2. *Exposure of poison to destroy animals prohibited.* No person shall put or expose in any public place or highway, nor on his own lands, outside of his buildings, nor on the lands of any other person, any poison or admixture thereof, with the intent that the same shall be taken or swallowed by any bird, fowl, or wild animal. Sec. 1, Act of May 23, 1878, P. L. 117.

3. *Penalty for violation of act.* Any person violating this act, shall on conviction before any alderman or justice of the peace, be subjected to a fine of twenty dollars, to the use of the Commonwealth. Sec. 2 Act of May 23, 1878, P. L. 117.

4. *Sales of poisons to be registered.* It shall be the further duty of anyone selling or dispensing poisons, which are known to be destructive to adult human life in quantities of five grains or less, before delivering them, to enter in a book kept for this purpose the name of the seller, the name and residence of the buyer, the name of the article, quantity sold or disposed of, and the purpose for which it is said to be intended, which book of registry shall be preserved for at least two years, and shall at all times be open to the inspection of the coroner or courts of the county in which the same may be kept.

The provisions of this section shall not apply to the dispensing of physicians' prescriptions, specifying poisonous articles, nor to the sale to agriculturists of such articles as are commonly used by them as insecticides. Any person failing to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five, nor more than fifty dollars, for each and every offence. Sec. 10, Act of May 24, 1887, P. L. 189.

5. *Poisons not to be sold without label.* A poison in the meaning of this act shall be any drug, chemical or preparation which, according to standard works on medicine or *materia medica*, is liable to be destructive to adult human life, in quantities of sixty grains or less.

No person shall sell at retail any poisons, except as herein provided, without affixing to the bottle, box, vessel or package containing the same, a label, printed or plainly written, containing the name of the article, the word "poison," and the name and place of business of the seller, nor shall he deliver poison to any person without satisfying himself that such poison is to be used for legitimate purposes. Sec. 10, Act of May 24, 1887, P. L. 189.

STATE DEPARTMENT OF HEALTH MAY TAKE CHARGE OF BOROUGHES.

1. *Collection of expenses.* Whenever expenses incurred by the Secretary of Health in the administration of health laws in any borough or township of the first class, in accordance with the provisions of this act, shall remain unpaid by said borough or township of the first class for a period over three months after a statement of such expense has been rendered by him to such borough or township of the first class, and demand for payment by him made, he shall, with the approval of the Governor, institute, in the name of the Commonwealth as plaintiff, an action of assumpsit against such borough or township of the first class, for the collection of such expense from the borough or township of the first class, in the same manner as debts of like amount are collected by law: Provided, however, That upon the trial of any such action of assumpsit, the reasonableness of the expenditure made by the Secretary of Health shall be submitted to the jury for its determination. Sec. 12, Act of June 12, 1913, P. L. 471.

2. *Expenses to be returned to appropriations.* All expenses incurred by the Secretary of Health in the administration of health laws in any borough or township of the first class, when paid to him by such borough or township of the first class, or when collected by him, shall be returned by him to the State Treasurer, who shall credit the amount so received to the appropriation made to the Department of Health. Sec. 13, Act of June 12, 1913; P. L. 471.

VOUCHERS.

1. *Approval of vouchers.* Be it enacted, &c., That the Secretary of Health be, and he is hereby, authorized to assign some one employed in the Department of Health to approve for payment, on his behalf, vouchers for the payment of moneys, with the same force and effect as if approved and signed by the said Secretary of Health. Sec. 1, Act of April 23, 1909, P. L. 137.

2. *Certificate.* That immediately after the assignment provided for by section one of this act is made, the Secretary of Health shall file, or cause to be filed, with the Auditor General of the Commonwealth a certificate of such assignment, together with the proper signature of the person to whom such duty is assigned. Sec. 2, Act of April 23, 1909, P. L. 137.

3. *Appointment subject to change.* The Secretary of Health may, at any time, relieve any such person assigned, from his duty under the provisions of this act, and assign some other person in his or her stead: Provided, That he shall immediately inform the Auditor General of this Commonwealth of such action, and shall file with him a new certificate, as provided for in section two of this act. Sec. 3, Act of April 23, 1909, P. L. 137.

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